



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

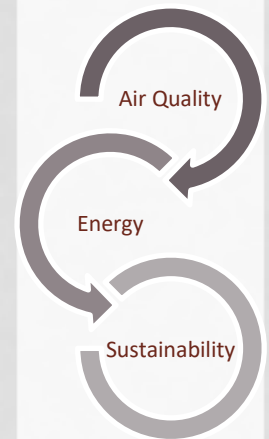


DIVISION OF AIR QUALITY

AIR QUALITY, ENERGY, AND SUSTAINABILITY

ISG AIR PERMITTING DISCUSSION

GENERAL OVERVIEW



Presented by: Kenneth Ratzman & Danny Wong

ISG MEETING EXPECTATIONS

- Focus on Air Permitting Related Issues under the Scope of the Division of Air Quality – Air Permits
 - Effective and Consistent Permits
 - Protective of Public Health and the Environment
 - Concerns Raised by Regulated Community
- Keep Focus on Process Improvement
 - Less Resources for All
 - More Mandates

ISG MEETING EXPECTATIONS (CONT)

- Constituents of ISG
 - NJDEP staff
 - Permitting
 - Enforcement
 - Modelers/Risk Evaluators/Stack Testers
 - Representatives of regulated industries
 - Anyone else that is interested in air quality permits
 - Attendance Open to All Members of the Public
- Topics for discussion
 - Should be provided prior to the meeting
 - Should be posted prior to meeting on draft agenda

ISG MEETING EXPECTATIONS (CONT)

- Brevity (Get to the point)
 - Time does not allow for debates, side-bar discussions, long stories or personal grievances
 - Do not repeat the same issue someone else brought up, not a hearing, a simple head nod or Thumbs up on Teams will suffice as agreement
- Do not interrupt Others
 - Be cordial
 - As moderator, my job is to keep meeting on point
- Post Meeting Documentation
 - Summary (not minutes or transcription) of meeting will be posted
 - Presentation Material will be posted

ISG MEETING EXPECTATIONS (CONT)

Any questions on Meeting Expectations?

FUTURE TOPICS?



AIR PERMITTING AUTHORITY

- Statute – Air Pollution Control Act (N.J.S.A. 26.2C)
- Air rules – N.J.A.C. 7:27
 - N.J.A.C. 7:27-8
 - N.J.A.C. 7:27-22

TYPES OF PERMITS FOR STATIONARY SOURCES

- Preconstruction Permit (PCP)
 - “Minor”
 - N.J.A.C. 7:27-8 or Sub 8
 - For a particular process/operation
 - More than one per facility
- Operating Permit (Title V)
 - “Major”
 - N.J.A.C. 7:27-22 or Sub 22
 - Only one per facility, cover entire facility
 - Have additional requirements beyond PCP
 - Federally enforceable

AIR PERMIT PROCESS

- This is a general overview of NJDEP's air permitting process and is not inclusive of all possible steps as each permit application is unique
- Pre-application meeting (recommended but optional)
- Application received
- Enhanced EJ notification
- Review for administrative completeness
 - Are all the required information completed?
 - Equipment, emission point, control device, etc.
 - Applicable air pollutants
 - Technical supporting documents, including emission calculations

AIR PERMIT PROCESS

- Review for technical completeness
 - Check emission calculations
 - What rules/requirements/emission limits apply?
 - Does it trigger risk assessment/air quality modeling?
 - Any Enforcement actions?
- Prepare pre-draft permit
 - Applicable requirements (compliance plan)
 - Operating limits (emissions, hours, throughput, etc.)
 - Monitoring/recordkeeping/reporting requirements
 - Equipment/control device/emission point/etc.

AIR PERMIT PROCESS

- Draft permit review
 - Enforcement (for enforcement issues or requested)
 - Applicant
 - Public comment period/hearing (if requested)
 - Response to comment document
 - See Slide 13 for additional requirements for Title V permits
- All permitting fees must be paid

AIR PERMIT PROCESS

- Approval
 - Must meets all rules/requirements
- Denial
 - Only If all rules/requirements are not met, and
 - Applicant refuses to fix application or resubmit a new one

MAJOR DIFFERENCES BETWEEN PCP & TITLE V

For Title V

- Mandatory 30-day public comment period
 - Initial operating permits, significant modification, and renewals
 - Public hearing by request
- 45-day USEPA review before final approval

THE FUTURE OF AIR PERMITS

- Environmental Justice (EJ) Law
 - <https://www.nj.gov/dep/ej/docs/ej-law.pdf>
- Environmental Justice (EJ) Rule
 - Proposal in the works
- Administrative Order 2021-25 (AO-25)
 - <https://www.nj.gov/dep/ej/docs/njdep-ao-2021-25-environmental-justice.pdf>
 - FAQ: <https://www.nj.gov/dep/ej/docs/njdep-ao-2021-25-faqs.pdf>
- Does not apply to GP/GOP

AO-25 MAJOR FACILITIES

1. Is in EJ area (wholly or partially)? If YES, go to #2.
2. Is permit action one of the following:
 - a. Renewal
 - b. New source
 - c. ExpansionIf YES, go to #3.
3. Refer to OPPN.

AO-25 MINOR FACILITIES

1. Is in EJ area (wholly or partially)? If YES, go to #2.
2. Is the facility/source one of those listed in Slide 17?
If YES, go to #3.
3. Is permit action one of the following:
 - a. New source
 - b. ExpansionIf YES, go to #4.
4. Refer to OPPN.

CATEGORIES UNDER EJ LAW FOR MINOR FACILITY

- Resource recovery facility or incinerator
- Sludge processing facility, combustor, or incinerator
- Sewage treatment plant with a capacity of more than 50 million gallons per day
- Transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day
- Scrap metal facility
- Landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste
- Medical waste incinerator

AO-25 RESPONSIBILITIES

- Facility's responsibilities
 - Public engagement and respond to/address the concerns raised
 - Providing NJDEP with proof and transcript from public engagement
- NJDEP's responsibilities
 - 60-day mandatory public comment period
 - Mandatory public hearing if no public engagement is held by the facility
 - Apply such special conditions as may be necessary to avoid or minimize environmental or public health stressors upon the overburdened community to the maximum extent allowable by law

AO25 IMPACT TO PERMITTING SCHEDULE

- Notice for the public comment period/information session (by applicant): **30 days**
- Public comment period/information session (by applicant): **30 days**
- Compile information and submit to NJDEP (by applicant): **15 days**
- NJDEP permitting public comment period (by NJDEP): 30 days + **30 days**
 - AO25 allows for additional **30-day extension** to comment period
 - Would include public hearing if requested
 - Major facilities always had a 30-day comment period
 - Minor facilities 30-day comment period is by request or deemed significant interest by NJDEP
- NJDEP Response to Comment Document: ~15 days to 3 months

CONTACT INFORMATION

- NJDEP Website: <https://www.nj.gov/>
 - Bureau of Stationary Sources:
<https://www.state.nj.us/dep/aqpp/index.html>
 - Bureau of Evaluation & Planning:
<https://www.state.nj.us/dep/baqp/>
 - Air Compliance & Enforcement:
<https://www.nj.gov/dep/enforcement/air.html>
 - Emissions Measurement Section:
<https://www.state.nj.us/dep/bts/>
 - Air Regulations: <https://www.state.nj.us/dep/aqm/>
 - Office of Permitting and Project Navigation (OPPN):
<https://www.nj.gov/dep/pcer/>