

INDUSTRIAL STAKEHOLDER GROUP

October 6, 2023 MEETING HIGHLIGHTS

Preliminary Matters

This meeting was held virtually. The Department's presentations were broadcast using the Department's video conferencing software, Microsoft Teams. All written presentations displayed during the meeting will be posted on the ISG website for reference. The meeting highlights are provided as a courtesy and are intended to reflect the discussion during the ISG meeting only. Should there be a perceived discrepancy between the discussion at the ISG meeting and the Department's official position as set forth in rules, guidance, or policy, the Department's written rules, guidance, or policy documents will govern.

Agenda Items (in order of presentation)

I. GP/GOP Update:

The Department provided updates on GPs that are under construction and those that are anticipated to be revised in the near future. As part of its presentation on GPs under construction, the Department noted that the comment period for GP-020A for Research and Development ended August 17th. No comments were received and the Department anticipates that the Notice of Availability of the final GP will be published in the October 16th New Jersey Register. Further, the comment period for GP-021A for Indoor Fumigation operations of Cocoa Beans ended on September 6, 2023. The Department received some comments during the period and are working on the response to comment document. The Department estimates that the Notice of Availability of the final GP-21A will be published in the November 6, 2023 New Jersey Register. Additionally, the Department indicated that it has begun working on updating/revising: GP-17A Small Boilers and GP-18A Medium Boilers, and expects to make some minor edits for clarification. The Department will devote greater attention to these two GPs once it has finalized GP-20A and GP-21A. For its presentation on GPs expected to be revised in the near future, the Department indicated that stakeholders should anticipate working with the Department on GP-021B Fumigation – Containers (Trailers) and GP-008A – Site Remediation Activities for Gasoline Contamination at Vehicle Fueling Stations (SVE).

- A stakeholder asked whether the permit holder or the exterminator is responsible for obtaining a Fumigation GP. The Department indicated that, as with most permits issued by the Department, they can be obtained by either the owner or operator. When deciding who should apply, the parties should consider the pros and cons of both options.

II. SOTA Manual Update:

The Department provided updates on SOTA Manuals that have been completed or are in progress. First, the notice of availability for comments on the Municipal Solid Waste Landfills manual was published in a March 2023 New Jersey Register. The Notice that the manual was finalized was published in a May 2023 New Jersey Register and the final Manual is available on

the Department's website. Second, the notice of availability for comment of Combustion Turbines Manual was published in an August 2023 New Jersey Register and the comment period closed on September 20, 2023. No comments were received and the final version of the manual is anticipated to be published in a November New Jersey Register. Third, the Department completed the DEP workgroup review and external stakeholder process for the Internal Combustion Engines Manual on August 3, 2023. The Department anticipates that the Notice of availability for comment on the manual will be published in a November 2023 New Jersey Register. Fourth, the Department workgroup completed its outline of the Boilers and Process Heaters Manual in September 2023 and the first external stakeholder meeting is planned for October 18, 2023. Fifth, the Department anticipates that it will begin working on revisions to the Graphic Arts and Surface Coatings Manual next.

- A stakeholder asked if the Department had received its comments on the Combustion Turbine Manual, which were submitted prior to the Notice of availability for comment. The Department responded that it would have to review its records to confirm their comments were evaluated as part of the SOTA manual preparation. **Follow Up:** They were in fact part of the stakeholder record.

III. Federal Emission Statement Rule Proposal

The Department indicated that the EPA proposed revisions to its Air Emissions Reporting Requirements (AERR) rules, which dictate the information that is required to be reported in an emission statement. Though the comment period was originally scheduled to close on October 18th, the EPA recently extended the comment period through November 17th. The Department noted that the proposed revisions are numerous and, if adopted, could have very substantial ramifications for future emission reporting. Since the proposed revisions include many new requirements, the Department urged stakeholders to carefully review the proposal and submit any comments to EPA. The Department may comment on the EPA rule once fully evaluated.

- One stakeholder asked if the Department anticipated changing its emission reporting deadline (currently May 15th) to an earlier date given the accelerated timeline in EPA's proposed revisions. The Department indicated that this is one of many items being discussed internally. The Department further noted that depending on what is included in the final version of EPA's rule, the Department may need to revise N.J.A.C. 7:27-21 to conform to the EPA's revisions.
- One stakeholder asked if the proposed EPA rule revisions would impact the current method of reporting for HAPs. Currently, if below the threshold, HAPs are not required to be reported. The Department responded that the EPA's proposed change is based on a reporting threshold on actual emissions, which is listed in the rule proposal.
- One stakeholder indicated that under the current rules, HAPs are reported at the facility level. The stakeholder then asked whether the Department would require reporting at the source level, if EPA adopts the proposed revisions. The Department indicated that the EPA's proposal was more nuanced and provided multiple potential reporting

options. Further, until there is a final EPA rule, the Department cannot be sure what it will require as part of its emission reporting rules.

- One stakeholder asked about the applicability provisions of the proposed revisions to AERR. The Department indicated that the proposed EPA rule revisions included Tables that described the applicability thresholds and recommended that stakeholders review the proposal carefully.

IV. RGGI Primer & Questions

The Department provided a presentation on the Regional Greenhouse Gas Initiative program. The presentation had three main components: A RGGI program overview, a description of RGGI mechanics and resources, and a New Jersey-specific RGGI Program Review Update. During the presentation the Department noted that the RGGI states are currently in their program review period and once the RGGI states complete their review and update the RGGI model rule, each RGGI state (including New Jersey) will need to propose updates to their state-specific rules for consistency with the RGGI model rule.

- One stakeholder asked the Department about the turmoil in two of the RGGI states (Pennsylvania and Virginia), and how the issues in those states may impact the model rule development. The Department indicated that more specific information about the participation of Pennsylvania and Virginia in RGGI can be found on those states' resource websites. As for the impact of those states potentially exiting the RGGI program, the RGGI states are aware of the issue and are looking at all potential scenarios as part of the rule revision process to ensure that the program is fluid and can adapt.

V. EJ Questions Opportunity

In response to some questions received prior to the ISG meeting, the Department included a discussion on EJ-rule related issues.

- One stakeholder asked the program if it could confirm whether an upgraded control device at a facility would or would not trigger an EJ analysis. The program indicated that these issues are probably going to be handled on a case-by-case basis and recommended that facilities call to discuss prior to filing.
- The stakeholder also asked if the public hearing held as part of the EJ rules process would satisfy the requirements for the public hearing that must be held as part of the permit process. The Program indicated that these are two separate hearings. The EJ hearing is run by the facility to satisfy the EJ administrative process; whereas, the Program holds a public hearing to satisfy the permitting process.
- The stakeholder also noted that there was a concern that "synthetic minors permits" could be subject to the EJ process in the same manner as major facilities. The Program indicated that minor facilities are not specifically subject to the EJ rule's air permit applicability provisions. However, a facility that has a minor air permit may trigger the EJ rule's applicability provisions from any of the covered categories.

- Another stakeholder noted that the EJ rule has a virtual component to its public hearing requirement. That stakeholder asked whether the virtual component could be satisfied by breaking the public hearing into two meetings, one in-person (only) and one virtual (only). The Program indicated that it did not know the answer and would need to consult with OPPN.
- One stakeholder asked about the agency's position on whether facilities that are adjacent to OBCs but are zero population are always subject to the EJ rule. And, should these situations be run by OPPN before assuming the facility is adjacent to an OBC? The Program indicated that facilities should always check-in with OPPN if there is a question mark. The Department also indicated that their understanding is that a facility is a covered facility if adjacent to an OBC, even if it is zero-population. Another stakeholder indicated that he believed that there was room for a case-by-case analysis of this issue and encouraged facilities to discuss the matter with OPPN. The Stakeholder indicated that there is a lot of discussion in the preamble of the EJ rule and in the response to comments that supports the idea that an adjacent facility may not be covered under these circumstances.
- One stakeholder asked if the Program knew whether any facility has submitted an EJIS to OPPN for review yet (pursuant to the EJ rules, not the AO)? The Program indicated that they have no direct knowledge of the submission of an EJIS. The Program indicated that OPPN was working on an EJIS checklist for facilities, but was unsure whether the guidance/checklist had been released by OPPN yet.

VI. Open Discussion:

- Two stakeholders suggested that a topic for the next ISG meeting could be a discussion on the revisions to the Greenhouse Gas Reporting rule, which could cover the impact on affected utilities as well as changes in reporting (i.e. changes in the way that facilities measure methane and other emissions). The Department indicated that it would try to arrange a presentation on these items.
- One stakeholder had a suggestion for a process improvement for permit applications. Specifically, the stakeholder asked if the Program could provide a redlined version highlighting the Program's revisions to a facility's draft permit when the Program sends the pre-draft permit for facility review. The Program indicated that it would review the feasibility of the suggestion, but cautioned that highlighting revisions may not be possible for certain types of permits. The Program will look into this and get back to ISG by next meeting.
- One stakeholder asked if the Program could provide a more detailed organizational chart showing all employees and their direct supervisors at a future ISG meeting. The Department indicated that there is a great deal of movement in terms of direct supervision of employees. Therefore, an organizational chart of that nature would likely

be stale in a very short time. The Department will consider providing a list of employees within the different groups, without including their supervisor's name at the next ISG meeting.

- One stakeholder asked if the EPA's proposed changes to the AERR rule will base applicability on a facility's actual emissions or the potential to emit. The Program indicated that the proposal includes a table based upon actual emissions and that stakeholders should review the proposal carefully.
- One stakeholder indicated that the Department's practice (at prior ISG meetings) of providing updates on permit application backlogs was very helpful and asked if the Department would be willing to continue those presentations at future meetings. The Department indicated that it could do a presentation at a future meeting, but reminded stakeholders that the information was provided to the public on a monthly basis on DataMiner.