

INDUSTRIAL STAKEHOLDER GROUP FEBRUARY 2, 2024 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 were recently adopted, those under construction, and those that are anticipated to be revised in the near future. The Department noted that recently adopted GP-020A (Research and Development Operation) and GP-021A (Indoor Fumigation Operations of Cocoa Bean Products) have been available since October 16, 2023 and November 6, 2023, respectively. The Department indicated that it has begun updating/revising four other GPs: GP-021B (Outdoor Fumigation Operations of Containerized Commodities), GP-17A (Small Boilers), GP-18A (Medium Boilers), and GP-008A (Site Remediation Activities for Gasoline Contamination at Vehicle Fueling Stations). The progress (as of the meeting date) on each of the GPs under construction is set forth in the written presentation. Finally, the Department noted that it is likely to begin revisions to GP-007 (Stationary Non-Floating Roof Storage Tank(s) Storing Volatile Organic Compounds) in the near future.

- A stakeholder asked whether the process for the replacement GPs 17A and 18A would be consistent with prior GP replacements. In other words, the stakeholder wanted to know whether permit holders will be advised that they must apply under the new GP prior to the elimination of the old GP. The Department confirmed that permitholders would be advised in advance of the change.
- Another stakeholder asked about the timing of the GPs under construction. The Department indicated GP-21B is the first priority, and that it hopes to have GP-17A and 18A published for public comment in the summer, but all timelines are subject to change.

II. SOTA Manual Update:

The Department provided updates on SOTA Manuals that have been completed or are in progress. As reported at the last ISG meeting, the final version of the SOTA manual for Municipal Solid Waste Landfills was published in a June 2023 New Jersey Register and is available on the Department's website. Likewise, the final version of the SOTA manual for Combustion Turbines was published in a November 2023 New Jersey Register and is available on the Department's website. The Department completed the DEP workgroup review and

external stakeholder process for the Internal Combustion Engines SOTA manual and, after publication in a New Jersey Register, received comments through December 20, 2023. The Department anticipates the final version of this SOTA manual will be published and available on the Department's website on February 20, 2024. The comment period for the Boilers and Process Heaters SOTA manual ends on February 15, 2024. Finally, the Department is in the process of updating the Graphic Arts and Surface Coating SOTA manuals. These updates will follow the same process as the ones before and will include DEP workgroup meetings and external stakeholder reviews prior to publishing the proposed SOTA manuals for public comment.

III. GHG Reporting Rule

The Department provided an update on the implementation of the GHG Reporting rules. With respect to the portion of the rules requiring registration of refrigeration systems and reporting of their emissions, the Department noted that 99% of facilities that registered in 2023 had also filed their emission reports. The reporting deadline for 2024 is April 1, 2024. Once all reports are received, the Department will be able to calculate and publish the GHG emissions from these sources based on two years of data.

With respect to the changes to the portion of the rules that included a new reporting threshold for methane emissions, the Department noted that a full year of methane emissions reporting will be required for 2023 emissions. In calendar year 2022, only partial emission reporting was required. The Department noted that approximately 21 landfills and 11 compressor Stations/pipelines filed partial reports for their 2022 emissions. Twenty-two landfills did not report for the 2022 time period. Because the Department cannot say for sure whether those facilities were required to report, Enforcement will be reviewing those facilities to determine compliance for reporting of calendar year 2023 emissions. Stakeholders were reminded that facilities submitting emissions statements must use the most recent reference tables (dated 11/29/22). If the current reference tables are not used at every step in the process, the data submitted will be rejected and the facility will be required to resubmit.

- A stakeholder asked whether there is a penalty for non-registration or non-reporting. The Department responded that there are penalties in the rules. If the Department is aware of a facility that should be registering and/or reporting, it will first make contact to advise of the compliance requirement. If the facility still fails to comply, a violation(s) and penalty may be assessed.
- Another stakeholder asked whether the landfills not reporting were operating illegally. The Department indicated that these facilities are not necessarily operating illegally, but may be in violation of the reporting requirement if their methane emissions are above the 100 tpy threshold.

IV. Redline Version of Permit Applications

Pursuant to a request at the last ISG meeting, the Department held a discussion on the possibility of providing facilities with permit documents that would show the changes made to

an approved permit as a result of a permit modification. The Department's presentation included a sample document, using software that flags the changes between two versions.

- One stakeholder indicated his appreciation for the Department's efforts and noted that tagging the changes is useful, but he prefers to do a true side-by-side comparison of the two documents. The Department indicated that a side-by-side comparison is possible, but would not have been easy to show on the small screen for purposes of the presentation.
- Another stakeholder expressed their approval of any method that would highlight changes between versions, but asked that the Department also work on a method to run a spell-check and grammar check on permits. The stakeholder noted that clients (facility owners/managers) are concerned about misspellings in their permits. The Department indicated that the software used does not support spelling/ grammar checks, but that the Department will make greater efforts to proofread permits.
- A few stakeholders noted the particular software programs they liked to use for comparison and provided tips to others. One of these stakeholders asked if the Department would consider annotating the changes made. The Department responded that it was hesitant to specifically highlight changes since it is the responsibility of the permit holder to review the entire permit and did not want the implication that only certain changes required attention.

Ultimately, the Department indicated that the discussion confirmed that providing a comparison of approved and modified permits would likely be useful for permit modification applications; however, the number of revisions to a permit renewal would be so plentiful as to completely dilute the usefulness of the comparison. Accordingly, the Department proposes to provide changes tracking on permits for modifications, if requested by applicants, over the next three months and asks that consultants and facilities provide feedback on the process so that the Department can determine whether and which changes it may be useful to implement moving forward.

V. Revised ORG Chart

Pursuant to a request made at the previous ISG meeting, the Department shared some updated organizational charts that show the chain of command from the Director down to the supervisor level. The names of non-supervisory staff were provided as well.

- A stakeholder noted that a number of staff (permit writers) do not include signature lines on their email correspondence, which means that consultants do not have their contact information (direct phone numbers). The Department advised that the Air program has done away with landlines, so all of the old numbers are no longer correct. Staff may now be reached through telephone calls on the Microsoft Teams software. The only exception to this is the Enforcement staff in offices other than the Central Office. Enforcement staff in the Northern and Southern offices will switch to Teams eventually, but that transition has not taken place yet. In response to the concern about

accessibility, the Department noted that staff are not required to include their direct phone numbers on email. For most permit writers, the most efficient form of communication is email; therefore, it is up to the permit writer whether to give out a direct phone number.

- Another stakeholder asked which staff member they should contact regarding billing questions now that Fred Ballay has retired. The Department indicated that Deanna Raber is the current contact.
- Another stakeholder expressed concerns about their ability to contact staff if phone numbers are unavailable. The Department clarified that the main support numbers for the permitting programs are still available and working and should be listed on Staff's email signature, but reiterated that email may be quicker than a phone call.

VI. Seven-Day Notices

The Department provided detailed written presentations concerning the use of seven-day Notice modifications for operating permits and preconstruction permits. Both presentations included information pertaining to whether/when a modification is eligible for a seven-day notice application, whether/which factors exclude a modification from seven-day notice eligibility, and reviewed examples of the proper use of a seven-day notice application. It was emphasized that facilities should discuss any proposed seven-day-notices with the Department prior to submittal so that any potential issues can be resolved.

- One stakeholder noted his appreciation for the presentation.

VII. Arsenic Cadmium EF Update

After discussions at a prior ISG meeting, the Department reviewed its research and position on natural gas combustion arsenic and cadmium emission factors. All of the Department's findings have been set forth in a Guidance Memo that was posted on the Department's website ([121123 As and CD Emission Factors from NG Combustion Memo \(nj.gov\)](#)) as of 12/11/23. Pursuant to the Guidance, permit evaluators may consider the findings of the memo when evaluating risk. However, it is the responsibility of the applicant to justify their chosen emission factors. If the applicant uses the emission factors set forth in AP 42, that is what the Department will use when evaluating a permit application involving natural gas combustion.

- Stakeholders indicated they appreciated the Department's approach to this issue.

VIII. Permit Challenges, EJ Included

During this presentation, the Department provided a chart indicating the number of pending permits (broken down by modifications, renewals, and PCPs), and indicated the number of facilities encompassed by the permits, the number of permits referred to OPPN, and the number of those referred to OPPN that had completed the EJ process. The Department noted

that the majority of permits that completed EJ analysis, had done so pursuant to the AO25 process and not the EJ rules. The Department then opened the discussion to questions/comments regarding the EJ process.

- A stakeholder suggested that the chart should be revised to reflect that the number of EJ completed permit applications was heavily weighted (if not entirely made up of) permits that went through the AO25 process and not the EJ rules process. The Department indicated it would look at the numbers more closely and determine whether the adjustment should be made.
- Another stakeholder asked if the process for responding to comments from the EJ public hearing could be streamlined. This stakeholder observed that for hearings with a large number of commenters, it has taken from 10 months to a year to publish the response to comment. The Office of Permitting and Project Navigation (OPPN) acknowledged that for those hearings that receive a large number of comments, it does take a significant period of time to review the responses. For clarity, the OPPN explained the internal review process for the programs within the Department. Finally, the OPPN reminded stakeholders that this is a new process for everyone, and that it expects the process will move more quickly once facilities and programs gain more experience in drafting responses.
- Another stakeholder asked if it would be valuable to schedule one meeting with all of the programs reviewing the response to comments to discuss collectively. The OPPN indicated that it is always willing to meet with applicants, but noted that a meeting with all of the relevant programs within the Department may be difficult to schedule if a multitude of programs are associated with the application.
- Another stakeholder thanked the OPPN for explaining the internal process for reviewing the responses to comments for public hearings. This stakeholder inquired whether the internal process was the same for reviewing/drafting responses to the public comment on the impact statements under the rule provisions. The OPPN indicated that the process is similar. More programs will look at the EJIS under the rule than would have looked at it under the AO25 process.
- Another stakeholder wanted to compliment the OPPN for its diligence and responsiveness and to express his understanding that the EJ rules are a new initiative and that this will get easier as we go through the learning curve.
- Another stakeholder asked if the Department would consider doing its permit review simultaneous with the EJ process - as is done in Pennsylvania - to speed up the entire process. The Department responded that it did not believe that a parallel process was suitable and that the EJ/permitting process is intended to be sequential. Specifically, the EJ process may result in changes to the permit application. If that occurs, the permit review would have been ineffective.
- Another stakeholder asked whether the public notification requirement for multi-unit dwellings required individual notice to every resident. The OPPN indicated that it recognized that a certified mailing to hundreds of individuals may be costly and it will work with applicants on an alternative notification process. However, it is the applicant's duty to demonstrate to the OPPN's satisfaction that a group notification

process or other alternative is effective and meets the standard of diligence so that it will be clear in the public record that residents had valid notice.

- Another stakeholder asked whether the EJ rules could be amended based on lessons learned during the AO process. The OPPN indicated that the Department has no current plans to amend the rules, but agrees with the stakeholder that there have been many lessons learned. Thus, the OPPN will consider whether to hold a meeting for EJ applicants to discuss the major lessons learned to date.
- Another stakeholder asked whether the Department has considered outsourcing some of the Air permit review until staffing concerns ease up. The Department acknowledged the stakeholder's concern about the length of time for permit review and indicated that it will not be outsourcing air permit review at this time.
- A stakeholder asked for clarification on the translation process for EJ - specifically, what components must be translated and what languages? The Department indicated that for translation resources applicants should reach out to the Office of Environmental Justice, which can offer more assistance on fact-checking and reach out to the community on the language of that community to give advice on what they use and recommend.

IX. Open Discussion:

- One stakeholder requested a revision to the memorandum on Conveyance System (which can be found on the Department's website at <https://dep.nj.gov/wp-content/uploads/boss/permitting-guidance/piece-of-equipment-for-conveyor-system.pdf>) to exclude conveyors that are physically attached to a portable piece of equipment like crusher or screen. The stakeholder advocated for the Department to revise its position and to stop counting conveyors attached to another piece of as a separate piece of equipment that must be permitted. The stakeholder indicated that the Department's position is expensive for small businesses and is not rooted in common sense or consistent with past practice. The Department responded that the memorandum was developed as a result of inconsistencies in the treatment of permit applications for this equipment. After reviewing prior decisions and the applicable rules, the Department determined that the rules require that the conveyors be treated as a separate piece of equipment (even when physically attached to another piece of equipment). The Department is open to discussion on a potential rule change.
- One stakeholder emailed prior to the meeting to ask whether the Department's CRM rules for emergency generators exempts operators from the Federal requirements. The Department noted that both the proposal and adoption documents for the Department's CRM rules made clear that the purpose was to relieve the NOx RACT limit for the short period of CRM and does not except emergency generators from complying with Federal rules or other state rules. The Department will reach out to EPA for clarification on the Federal requirements for emergency generators, specifically the allowance of the 50 hours of testing and maintenance and 100 hours "non-emergency" use, but the short answer is that the Federal rule requirements apply.

- One stakeholder asked about the status of the NJPACT 2 and whether any of the rule concepts would be pursued. The Department indicated that, at this time, it is not clear where those rule concepts fit within the overall scheme of priorities.
- One stakeholder asked if the Department had any insights on the EPA's update of the PM NAAQS. The Department indicated that it has no insider knowledge, but it is likely that the Department may have to make revisions to its SIP based on the potential changes by EPA.
- One stakeholder asked whether it would be possible to have a weekly or monthly meeting to discuss the EJIS process and to go over any lessons learned or resolutions to frequent questions that facilities in the process may have. The OPPN will consider this possibility.
- One Department staff member reminded stakeholders that when permit applications are returned, it is often because information is missing. The staffer encouraged stakeholders to be more comprehensive when listing information in an initial permit application.
- One stakeholder asked if the Department would be sending notice to the landfills that had not reported methane emissions for calendar year 2022. The Department reiterated that it was not sure whether those landfills were required to report. Thus, Enforcement is going to look at each of those facilities individually and communicate with them if necessary. Another stakeholder noted that a lot of landfills are closed now and that they may not have been required to report because their methane emissions would have reduced significantly over time, putting them below the emission threshold.