

INDUSTRIAL STAKEHOLDER GROUP JUNE 7, 2024 MEETING HIGHLIGHTS

Preliminary Matters

This meeting was held in the Public Hearing room of the Department's offices in Trenton, New Jersey. 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 adopted last year, new GPs under construction, and existing GPs undergoing revisions.

- The Department noted that even though GP-020A (Research and Development Operation) and GP-021A (Indoor Fumigation Operations of Cocoa Bean Products) have been available since last year, the Department has not received many applications for these two GPs. The Department reminds stakeholders of the availability of these GPs and encourages timely submittal, particularly for the GP-021A, which is a paper submittal and may take a bit longer to process.
- The Department discussed the status of four new GPs under construction and existing GPs under review. GP-021B (Outdoor Fumigation Operations of Containerized Commodities) was published in the April 15, 2024 New Jersey Register. The comment period closed on May 14th and the Department is currently working on responding to comments and finalizing the GP, including construction and testing of the electronic permit application and registration. In response to an inquiry, the Department indicated that it hoped to finalize GP-021B between September and December 2024. The Department is still in the process of reviewing updates to GP-17A (Small Boilers) and GP-18A (Medium Boilers). In response to an inquiry, the Department noted that it had not intended to open this review up to external stakeholders since it anticipated making only those changes necessary to conform to rule amendments. However, the Department invited stakeholders to submit ideas of changes to GP-17A and 18A that would improve them. The Department is also in the process of reviewing GP-007 (Stationary Non-Floating Roof Storage Tanks storing VOCs). In response to inquiries, the Department acknowledged that the evaluation of risk for these tanks can be tricky given the multitude of scenarios, but risk will still be considered as part of the review. One stakeholder recommended that the Department incorporate the Federal limits on these tanks. The Department indicated that given the level of interest and comments, it would consider opening this review to meetings with external stakeholders. The Department noted that it is also reviewing GP-008A (Site Remediation Activities for Gasoline Contamination at Vehicle Fueling Stations).

- The Department advised that it is exploring other revisions to GPs that include: (1) correcting broken website links within GP forms; and (2) developing a fillable pdf for GP-004A.

II. Overdue Invoices Referred to Treasury for Collection

The Department advised stakeholders that the Department of the Treasury (Treasury) requires the Department to send outstanding bills to Treasury for collection. The Department has reviewed all outstanding invoices for emission and permit fees and has sent those that have been outstanding for more than two years to Treasury for collection. The Department will be doing this review of invoices every year. If an invoice is sent to Treasury, it can no longer be paid via the Department's online system. The facility must pay Treasury, but it is important that the payment includes the activity number. Without this information, the payment will be accepted by Treasury, but the Department will not be notified that the invoice has been paid. Please include this information to avoid delays. In response to an inquiry, the Department acknowledged that it is possible that an invoice that is "in dispute" could be sent to Treasury. However, that is unlikely since only invoices that are past due for more than two years will be sent and the Department works in earnest with facilities to resolve any disputes identified. Further, even if an invoice is sent to Treasury, the Department can advise Treasury if there is a change in amount. In response to another inquiry, the Department confirmed that moving forward it would only be sending invoices that were outstanding for more than two years. A stakeholder noted that there are still issues with invoices being sent to out-of-date contacts for the facility via email and paper copy. The Department acknowledged that paper copies of invoices and emailed copies of invoices are sent to the contacts on file with the Department. However, even if the facility fails to keep the contact information up-to-date, the billing information is still available to the facility online.

III. Hazardous Air Pollutant (HAP) Emissions from Emergency Generators

The Department reviewed the change in policy set forth in a new guidance memorandum concerning the inclusion of HAP emissions and diesel particulate matter (DPM) from Emergency Generators in the Potential to Emit (PTE) section of Air Pollution Control (APC) permit applications and health risk assessments. The Department advised that the change in policy announced in the new guidance memorandum was prompted by the Environmental Justice (EJ) law that regards any increase in emissions as a stressor, which conflicted with the Department's old policy that did not evaluate emissions from emergency generators. The memorandum, which was announced to the listserv in March, applies statewide, but only to emergency generators that meet one of the three criteria set forth in the memorandum. Numerous stakeholders expressed concerns about the change in policy that ranged from the objections to the breadth and scope of the new policy, to the perceived ambiguity of the applicability criteria, to the procedural hurdles and timing, and to the lack of opportunity for public comment. In response, the Department invited all stakeholders to provide their comments on the new guidance memo to Danny Wong by June 30, 2024, even though these are policies to clarify

existing rules and not rulemaking so public comment was not necessary. The Department will review those concerns and determine whether the guidance memorandum should be amended in response.

IV. 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 versions of four SOTA manuals are available on the Department's website: Municipal Solid Waste Landfills [new]; Combustion Turbines [updated]; Internal Combustion Engines [updated]; Boilers and Process Heaters [updated]. At this time there are two SOTA Manuals that are being updated and the Notices of public comment period for both manuals were published in the May 20, 2024 New Jersey Register. The comment period for the updates to both SOTA manuals (Graphic Arts and Surface Coating) will remain open through June 19, 2024. Once these updates are final, the Department will wrap up the SOTA Manual update initiative. One stakeholder asked that the Department review lessons learned concerning the notice process. The Department advised that it has heard and understood the stakeholder's concern.

V. Air Fee CPI Update

The Department generates two types of fee updates periodically. The first is an annual adjustment, based upon the CPI, to the emission fee. This update is normally announced in the New Jersey Register around November. The Department estimates that this year, the CPI may result in approximately a 3% increase in the emissions fee charge. The second fee update takes place every five years and is also based on the CPI changes. This is an update to the permit review fee charged for significant modifications of operating permits, preconstruction permits, and general permits. The Department estimates that based on the CPI increases over the last five years, this update may result in approximately a 22 to 25% increase. The Department cautions that these numbers are not final and are based on currently available CPI data through April 2024. The Department also reminds stakeholders that the \$50,000 cap for permit review fee still applies regardless of the CPI.

VI. Cannabis Notification Letters

The Department advised that the newly established cannabis industry in New Jersey is growing quickly, and this includes, retail, growers, and processors. As a result, the Department recently sent form letters to approximately 100 growers and processors advising them that it is possible that their operations will require an air permit and may be subject to odor complaints. In response to an inquiry and request, the Department indicated that it will post a copy of this form letter with the ISG presentations. One stakeholder asked if a facility could be subject to an odor complaint even if it does not meet the criteria for a permit. The Department advised that an odor complaint could apply regardless of the need for a permit.

VII. EJ Discussion (limited to Air Permit applicability)

In response to a request from a stakeholder, the Department opened up the discussion to questions concerning the Air programs handling Air permits subject to the EJ process. One stakeholder had a general question about the impact of the EJ program on the processing of air permits. The Department advised that the EJ process has slowed down the process for issuing air permits subject to the EJ rules, but advised that the Air program is working with the Office of Permitting and Project Navigation (OPPN) to determine whether there are steps that may be taken to move the process forward. The Air program noted that there is a learning curve and that the public meetings have presented challenges to facilities working through the EJIS process. One stakeholder complimented Danny Wong on his work with applicants navigating the EJ process. Another stakeholder asked whether any air permits subject to the EJ rules had been issued since the EJ rules were finalized in April 2023. The Air program indicated it was not aware that any had been completed, but indicated the question was more appropriately addressed to the OPPN. One stakeholder asked if there was a template developed for the impact statements for the EJIS. The Air program directed the stakeholder to the OPPN office.

VIII. Open Discussion:

One stakeholder indicated his desire to have a broader group of stakeholders at the ISG meetings to address the concerns surrounding electric generation in New Jersey in light of the economic impacts of RGGI. The Air program indicated that if the interest was high enough, a representative from the Division of Climate Change Mitigation and Monitoring could be invited to speak at a future ISG meeting.

One stakeholder asked about holding hybrid meetings in the future. The Department indicated that hybrid meetings are challenging to pull off unless a technical team is devoted to running the meeting. Accordingly, the Department will alternate between in-person and virtual meeting formats throughout the year.

One stakeholder asked whether hybrid meetings were necessary to comply with the public meetings held pursuant to the EJ process. The Air program referred the stakeholder to the OPPN.

One stakeholder asked whether there were any potential new rules being considered. The Department indicated that the Consumer Products and Architectural Coatings rules were still being reviewed and that they could be published by the end of the year. The Department is also considering a rulemaking to clean up certain known issues within existing rules. The stakeholder followed up to ask whether stakeholders would be involved in that process and could make suggestions concerning areas of clean up. The Department indicated that stakeholders would be involved, but that amendments to the rules would be limited to non-controversial items.