



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY & SUSTAINABILITY

DIVISION OF AIR QUALITY, BUREAU OF STATIONARY SOURCES

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MEMORANDUM

To: Operating Permit Section Staff
From: Danny Wong, Bureau Chief, Bureau of Stationary Sources **DW**
Date: June 20, 2022
Sub: Operating Permit Renewals – Expiration Dates

This guidance relates to setting expiration dates for Title V Operating Permits and changes in the requirement for submitting a second renewal application when the first renewal application is still pending New Jersey Department of Environmental Protection's (Department) review and approval.

Renewal Expiration Dates: The Department will now set the permit expiration date five (5) years from the issuance date of the renewed operating permit. Please note that this is different from our past practice of setting the expiration date in five-year intervals from the Initial operating permit issuance date.

Stack Testing Frequency: The new policy, relating to renewal expiration dates, will have no impact on stack testing frequency, as the stack test frequency will remain every five years. The stack testing language in operating permits will be revised, consistent with this policy change, to ensure that the testing will continue to occur at the intended frequency. For an example, see the highlighted text in the attached template for stack testing requirements.

In addition, the text below defining "testing every 5 years" will be added in the General Provisions section of the operating permits.

Testing every 5 years shall be defined as no later than the end of the 60th month after the first required and each subsequent stack test was completed for the new or modified source.

Second Renewal Application: The Department will no longer require a second renewal application when the first renewal application is still pending Department's review and approval, and the facility will continue to operate under the application shield issued for the first renewal application until the renewal is approved. However, as stated below, the facility should keep the pending renewal application up to date, including any changes due to recent modifications, changes to insignificant sources, or changes to non-source fugitives, etc.

Stack Test Requirement After Title V Operating Permit Expiration Date: This policy change, relating to renewal expiration dates, will have no impact on stack testing requirements contained in the expired permits. Consistent with N.J.A.C. 7:27-22.30(j), if a Title V Operating Permit has expired, the conditions of

the permit, including the requirements for stack testing during the expired permit term, remain enforceable until the permit is reissued. For further details, refer to the [Air Enforcement advisory issued in January 2022](#).

Pending first and second renewal applications already received by the Department: For facilities with pending first and second renewal applications already received by the Department, the Department will continue to follow the procedures outlined below:

1. The Department will issue application shields for each, first and second, renewal applications.
2. The Department will incorporate information from the first renewal application into the second application and issue only one renewed operating permit ("Combined Renewal").
3. There will be a single public comment process and a single USEPA Proposed Permit review for the Combined Renewal.
4. The public notice and the Statement of Basis will clearly state that information from the first and the second renewal application has been incorporated into the Combined Renewal.
5. The application shields will automatically terminate when the Combined Renewal (that incorporates the first and second applications) is approved.

Pending Renewal Applications: It's the applicant's responsibility to keep the pending operating permit renewal application up to date, including any changes due to recent modifications, changes to insignificant sources, or changes to non-source fugitives, etc.

Permit Renewals issued prior to Expiration Date: The new policy of setting the permit expiration date five (5) years from the issuance date of the renewed operating permit will also apply if a permit is renewed prior to expiration of the five-year term. In short, the policy would apply whether the permit is issued early or late.