

## USE OF TESTING AND MONITORING GUIDANCE FOR AIR POLLUTION PERMITS

The Clean Air Act (Title V) requires that air permits include monitoring and reporting requirements “to assure compliance” with permit terms and conditions. The Act also provides authority to “prescribe procedures and methods for determining compliance and for monitoring.” Additionally, consistent with the Federal operating permits regulations (40 CFR part 70), a source must “continue to comply” with all applicable requirements in its compliance plan. Similarly, New Jersey’s air permitting regulations (N.J.A.C. 7:27-8 and 22) require that an air permit contain sufficient testing and monitoring to ensure the ability to determine continuous compliance with applicable requirements.

As necessary, in order to implement the statutory and regulatory obligations described above, the Department uses Testing and Monitoring Guidance (previously referred to as a presumptive norm) to include sufficient testing and monitoring for the applicable requirements. Testing and Monitoring Guidance is primarily used by the permitting staff as a starting point for developing appropriate testing and monitoring conditions in permits. This approach helps provide consistency as similar testing and monitoring requirements for similar types of equipment are developed. It helps improve predictability for regulated facilities and timely review of permit applications. Additionally, it helps address EPA’s oversight requirements, resulting in shorter application review cycles, and assists with practical enforceability for the Department’s Compliance and Enforcement staff.

Over the last 15 years, the Testing and Monitoring Guidance has assisted in addressing a vast majority of permits. As appropriate, the Department considers an alternate testing and monitoring plan submitted by an applicant as long as it is sufficient to assure compliance with the applicable requirements. In addition, the Department considers the adequacy of testing and monitoring plans in light of: protection of public health, protection of the environment, in response to public and/or EPA comments, compliance history, variability of emissions, margin of compliance, and proximity of a facility to overburdened communities and at-risk populations.

The use of testing and monitoring guidance to assist with the implementation of the air permitting rules is a part of an effective and appropriate process for developing unambiguous permits useful to all affected parties, including regulated facilities, the public, and the Department.