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ADOPTIONS SECTION

ENVIRONMENTAL PROTECTION

AIR, ENERGY, AND MATERIALS SUSTAINABILITY

DIVISION OF AIR QUALITY AND RADIATION PROTECTION

Notice of Administrative Change and Announcement of Availability of a New General Permit (GP-021B) for Outdoor Fumigation Operations of Containerized Commodities N.J.A.C. 7:27-8.8

Take notice that the Department of Environmental Protection (Department) is announcing the availability of a new General Permit (GP) GP-021B for Outdoor Fumigation Operations of Containerized Commodities at minor air facilities.

This general permit is being included in the list of sources at N.J.A.C. 7:27-8.8(c) for which general permits are available.

GP-021B allows for the construction, installation, reconstruction, modification, and operation of equipment used for the following source operations:

- Fumigation operations at a single industrial complex, limited to outdoor containers for methyl bromide, phosphine, and/or sulfuryl fluoride for fumigation of various commodities.

A general permit is a pre-approved permit to construct and certificate to operate, issued pursuant to N.J.A.C. 7:27-8.8, for one or more types of similar sources at a minor facility. A minor facility operator with a qualifying source may register for, and operate under, the conditions of the general permit, rather than submit a case-by-case permit application.

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The Department published notice of the proposed general permit in the April 15, 2024, New Jersey Register at 56 N.J.R. 611(a) pursuant to the Air Pollution Control Act, N.J.S.A. 26:2C-9.2. Twelve individuals submitted comments during the 30-day comment period. The Department reviewed and evaluated the comments received and revised the proposed general permit where appropriate. In addition to minor grammatical changes, revisions to the proposed GP-021B made in response to comments are as follows:

Section I. Definitions

The following definitions have been revised:

1. The definition of “Fumigation Management Plan” or “Fumigation Log Report” was revised to add the word “plot” in the term “site plot plan” in the definition.
2. The definition of “Site Plan” was revised to add the word “plot” to read as “Site Plot Plan.” This revision maintains consistency with the term used in the compliance plan.

Section IV. Exclusions

1. Exclusion number 5 proposed to prohibit a facility that possesses a GP-021A for Indoors Fumigation Operations of Cocoa Bean Products from applying for a GP-021A. The exclusion was revised to allow a facility to possess both a GP-021A and GP-021B but the facility may not fumigate simultaneously pursuant to both general permits using sulfuryl fluoride in any 24-hour period.

Section V. Equipment (Location) / Control / Operation Specifications

1. Second and third bullets were revised to add the word “plot” in the term “site plan” to read “site plot plan.”

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Section VIII. Compliance Plan

1. At reference number 5, number 6, and number 8 the applicable requirement for outdoor fumigation operations, was revised to add the word “site” in the term “plot plan” to read “site plot plan.”

2. At reference number 12, the applicable requirement was revised to correct the units of the tarp thickness from “4 millimeters” to “4 mil.”

3. At reference number 14, the submittal/action requirement, numeral 4 was revised to clarify the time of aeration after fumigation. The phrase “four hours of” was deleted from the sentence “5 ppm after four hours of mechanical aeration” and revised to read “5 ppm after mechanical aeration (minimum of 4 hours).”

4. At reference number 15 and reference number 16, the submittal/action requirements, numeral 4 was revised to add the phrase “after mechanical aeration” to read “Any instance where the concentration reading inside the tarp exceeded 1 ppm after mechanical aeration.”

5. The Department added new applicable requirement, reference number 23, with its respective monitoring, recordkeeping, and submittal/action requirements to prohibit a facility possessing both GP-021A and GP-021B from fumigating simultaneously using sulfuryl fluoride in any 24-hour period, consistent with the revised exclusion number 5, Section IV, of this general permit.

The general permit continues to provide for inspections and evaluations to ensure conformance with all provisions at N.J.A.C. 7:27. This general permit is issued pursuant to the authority at N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-8.

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How to Obtain a General Permit

To view the requirements of General Permit GP-021B, Outdoor Fumigation Operations of Containerized Commodities, go to <https://dep.nj.gov/boss/general-permits>. To register for an available general permit, click on the online application hyperlink under the general permit and follow the directions.

For technical questions, please contact the Bureau of Stationary Sources Help Desk at 609-633-2829.

Full text of the changed rule follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

7:27-8.8 General permits

(a)-(b) (No change.)

(c) A general permit is available for the following source:

1.-18. (No change.)

19. Research and Development Operations (GP-020A); [and]

20. Indoors Fumigation Operations of Cocoa Bean Products (GP-021A)[.]; **and**

21. Outdoor Fumigation Operations of Containerized Commodities (GP-021B).

(d)-(o) (No change.)