



October 6, 2017

**VIA ELECTRONIC MAIL**

[rulemakingcomments@dep.nj.gov](mailto:rulemakingcomments@dep.nj.gov)

[Alice.Previte@dep.nj.gov](mailto:Alice.Previte@dep.nj.gov)

Alice A. Previte, Esq.

Attention: DEP Docket No. 12-17-06

Office of Legal Affairs

New Jersey Department of Environmental Protection

401 East State Street, 7<sup>th</sup> Floor

Mail Code 401-04L, P.O. Box 402

Trenton, NJ 08625-0402

**RE: COMMENTS ON NJDEP PROPOSED AMENDMENTS TO AIR QUALITY RULES (DEP DOCKET NO. 12-17-06, PROPOSAL NO. PRN 2017-139)**

Dear Ms. Previte:

On behalf of our members, the Chemistry Council of New Jersey (CCNJ) appreciates the opportunity to provide comments to the New Jersey Department of Environmental Protection (NJDEP, the Department) on the proposed amendments to Air Quality, Energy, and Sustainability Program rules published in the New Jersey Register on August 7, 2017.

**Exemptions for equipment used in situations similar to emergencies**  
***Emergency generators used during non-emergency power disruptions***

The allowance for operating an existing permitted emergency generator during periods of onsite construction, repair and maintenance (CRM) for 30 days/year is helpful. However, the intended flexibility may otherwise be capped by air permit limits (commonly 100 hours/year) for testing and maintenance, and the 40 CFR 60 New Source Performance Standard (NSPS) limit of 100 hours/year for testing, maintenance and nonemergency operation<sup>1</sup>. The Department should consider providing language in N.J.A.C. 7:27-8 and 22 to clarify that the 30 days/year allowance is in addition to any operating limit in the air permit, and also provide clarification of whether the NSPS would not treat this type of operation as testing and maintenance or nonemergency operation, because it is generally outside the control of the operator.

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<sup>1</sup> For example, see 40 CFR 60.4211(f)(2) of NSPS Subpart IIII, and 40 CFR 60.4243(d)(2) of NSPS Subpart JJJJ.



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### ***Construction engines and construction, repair and maintenance equipment***

The NJDEP policy for how CRM operations are treated in air permits and Reasonably Available Control Technology (RACT) regulations has evolved through extensive stakeholder discussion, spanning many years. Codifying the policy makes sense, and we appreciate that the Department has opted to simply incorporate it in its entirety.

### ***Rental facility equipment exemption***

The rental facility exemption is appropriate. The Department should clarify that this exemption also applies to service providers that bring their equipment onto an N.J.A.C. 7:27-8 or 22 facility for CRM. Examples include tank cleaning contractors, and contractors that provide nitrogen inerting services, both of which commonly have equipment that might require an air permit. These operations would not require permitting under the proposed CRM provisions, and should not require permitting or compliance with RACT for their set up and testing at the service provider's storage location.

### **Updating and Consolidating the Reporting Thresholds for Hazardous Air Pollutants**

The Department proposes to lower the reporting threshold for 106 Hazardous Air Pollutants (HAPs) and raise the reporting threshold for 15 HAPs. The Department should carefully consider the implementation of these requirements to avoid permit approval delays and additional expense for applicants. Significantly more air permit applications will be subject to health risk assessment with these proposed changes. The assessment of health risk must become a more streamlined process, for the Department and the applicants, to compensate for the expected increase in volume for both parties. These new lower thresholds likewise should not result in additional burden for monitoring, recordkeeping, reporting, and compliance risk. The Department's permitting policies should be adjusted accordingly. The regulated community would be happy to participate in a stakeholder group to help develop and implement a simplified process as a necessary compliment to these proposed rules.

Phase-in of the new reporting thresholds is addressed for existing Title V operating permits, but no phase-in provisions were proposed for N.J.A.C. 7:27-8 air permits or for N.J.A.C. 7:27-21 emission statements.

Without phase-in provisions, Subchapter 8 air permits would require use of the new reporting thresholds for any new permit or permit revision submitted after the effective date of this proposed rule. For revisions, the Department should clarify that the reporting thresholds only need to be updated for the source being modified (not all the sources in the entire permit or emission unit). This clarification should be made for Title V (i.e. Subchapter 22) modifications as well.

Without phase-in provisions, annual emission statements would potentially require new reporting thresholds, new data, and new data acquisition and management for the reporting year prior to the adoption of the proposed rule (likely reporting year 2017). The companies' data systems for reporting new pollutants may not be in place, and back calculation of the emissions may not be possible for pollutants that were not required to be reported in the past. The regulated companies should be given time to assess the new reporting obligations and adjust their systems for collecting and reporting data for any new pollutants. Without this consideration, it may be impossible to accurately track and report pollutants that were not required to be reported in the past. Therefore, we suggest that the Department consider phasing this emission statement requirement in for the first full reporting year following the effective date of the proposed rule.

We would like the record to reflect our support of any comments submitted by members of CCNJ.

Thank you for your consideration of our comments on this very important issue. We look forward to continuing to work with the NJDEP on this and other matters of critical importance to CCNJ members. If I can be of further assistance, please let me know.

Sincerely,



Dennis Hart  
Executive Director