



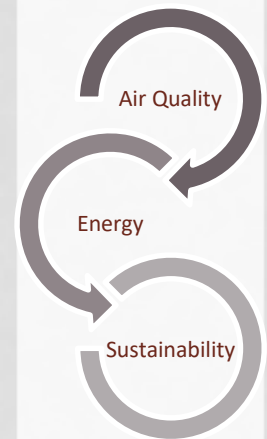
STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



DIVISION OF AIR QUALITY & DIVISION OF AIR ENFORCEMENT

ENFORCEMENT/PERMITTING INTERACTIONS & COLLABORATIONS

FEBRUARY 25, 2020



Presented by Kenneth Ratzman & Mary Toogood

WHY IS COMMUNICATION IMPORTANT?

- Consistency
 - Internally
 - Externally
- Common Goals
- Setting Priorities
- Executing Management Plan

DISTINCT DUTIES - PERMITTING

- Prepare comprehensive, enforceable permits
 - Evaluate permit applications for consistency with applicable State and Federal regulations
 - Technical analysis on a source/process or facility level
 - Evaluate risk
 - Ensure NAAQS compliance
 - Prepare and vet draft permit/final permit
- Develop rules
- Assist Attorney General's Office

DISTINCT DUTIES - ENFORCEMENT

- Ensure compliance with Air Rules, Regulations & Permits
 - Conduct compliance evaluations/inspections
 - Investigate complaints
 - Collect samples and gathers evidence
 - Issue enforcement documents, both formal & informal actions, which may include penalty assessments
 - Assist the Attorney General in developing enforcement cases and testifies in court
 - Negotiate compliance schedules and penalty settlements
 - Review compliance reports
 - Comment on pending permit applications
 - Participate on rule development teams
 - Stack Testing

INTERACTIONS

Air Chiefs Meetings

- KEY Mechanism of Communication between our Divisions
 - Regularly scheduled monthly meetings - Bureau/Section Chiefs & Supervisors
 - ALL participants have input on the agenda
 - Forum for communication of ideas, problem solving, collaboration, policy/decision making
 - Decisions are recorded and communicated top-down by Management to staff
 - Decisions made
 - To-do items
- **We DON'T ALWAYS AGREE**...and that is okay

INTERACTIONS (CONTINUED)

General Permit Meetings

- Jointly develop standardized minimum conditions for commonly permitted sources
- Permits must be enforceable – includes all monitoring, recordkeeping, submittal requirements.

Rule Meetings – Permitting Lead

- Share rule text and basis for discussion
- Enforcement does have a specific contact lead for each rulemaking
- No professional rule writes in either Division

TRAINING COLLABORATION

- External

Air Quality Permitting and Compliance & Enforcement work together to provide training to the regulated community & interested parties

- Permitting Workshops often include Enforcement Topics & Speakers
- Enforcement's ACE (Air Compliance & Enforcement) Academy training sessions include Permitting & Planning Topics & Speakers
- Rutgers Air Permitting Workshop (Enforcement & Stack Testing Staff also present)

- Internal

- New Inspector Training – Topics, Presenters & Attendees overlap both areas
- Site Visit Training – C&E hosted visits to the following facility types: glass mfg, cogen, trash-to-steam, landfill, sewage sludge incineration with attendees from permitting & multi-media enforcement areas

TRAINING COLLABORATION

(CONTINUED)

- Cross Training Permitting/Enforcement Pilot Program
 - Phase 1 – 1st 6 months
 - Permit writer (volunteer) assigned 2 weeks full time to Enforcement field office for training on NJEMS – Enf component
 - Same permit writer assigned one (1) day per week participating in Standard Compliance Inspections with Enforcement Inspectors
 - Facility types: Refinery, glass mfg, cogens, energy, printing, WWTP, coatings, fuel storage, pharma, medical, unknowns, (Majors & Minors)
 - Phase 2 – 2nd 6 months
 - Same permit writer assigned 2 consecutive days per pay period to be lead inspector for 8 minor inspections
 - Feedback – Permit Evaluator now looks at permit conditions with a new lens

PERMIT/ENFORCEMENT CHECKLIST

- IT system setup – Permit feeds the enforcement checklist
- Permit conditions are loaded into an enforceable requirements checklist
 - Facility level
 - Process level
 - Equipment/Control Device Specific
- Originally designed in 1998, enhanced numerous times

OTHER COLLABORATION

- Permit Applicability/How to Permit Evaluations
 - Joint Inspections/Site Visits
 - Recent Challenges: Cannabis, Scrapyards, ETO, Shipyards, Crematories, Fumigation
 - Pre-application Meetings in-house & on-site
- Environmental Justice - Community Collaborative Initiatives
 - Joint Participation at Community Meetings & Public Hearings

FINDING FUMIGATION FACILITIES

- Enforcement Advisory
- Identify Fumigation operators
- Information Inquiry
- Enforcement Action
- Permit Request Follow Up
- Clarity in Rule Making

FUMIGATION ADVISORY

- Compliance Advisories

(prepared with input from Permitting & Enforcement)

- 2005 Enforcement Alert
 - Advised of air permit applicability for use of fumigants
- 2017 Enforcement Update
 - Advised of air permit applicability for use of fumigants and applicability of VOC RACT requirements for applicable VOC fumigants

IDENTIFY FUMIGATION OPERATORS

- Generate list of well known fumigation companies
- USDA list of fumigation sites
- NJDEP Pesticides Program list of registered fumigators
- Incident Reporting/Whistleblower

FUMIGATION INFORMATION INQUIRY

- Information Request Letters
 - 21 Letters issued to Fumigation Companies
 - May 2017 – May 2019
 - Requested list of all sites in NJ where (1) methyl bromide or other VOC fumigants are used in quantities in excess of 3.5 pounds per application and (2) sulfuryl fluoride or other non-VOC fumigants are used in quantities in excess of 50 pounds per application...

ENFORCEMENT ACTION

- Notices of Violation (NOVs)
 - 40 NOVs issued to fumigation companies AND responsible entity site owners/operators
 - Corrective Action: Submit air permit application and obtain approved permit for fumigation source operations
 - 21 air permit applications submitted; 13 currently pending
 - Several sites opted to cease fumigation operations

PERMIT REQUEST FOLLOW UP

- Called in permits based on enforcement actions
- Met with each operator along with enforcement
 - Some on-site
 - Some in Office
- Withdrawals are followed up and confirmed by enforcement

CLARITY IN RULEMAKING

- Enforcement had a seat at the table in rule development
 - Breakout groups on specific challenges
 - Thresholds for Coverage
 - What is considered significant source operation to be permitted?
- Rule Language, Stakeholder Process and Basis and Background all involved enforcement

JOINT NOTIFICATIONS - FORMALDEHYDE

RE: Formaldehyde Emissions for Internal Combustion Engines
Program Interest #:
Permit Activity #:
NJID #:

Dear Permittee,

After consulting with our Federal Environmental Protection Agency counterparts, the Department determined that volatile organic compounds(VOC) and formaldehyde emissions emitted from internal combustion(IC) engines that combust gaseous fuels to include biogas, landfill gas, and natural gas have been underreported. Formaldehyde is a component of VOC emissions and must be properly quantified for inclusion in the VOC emission limit established in approved air permits for these sources and any source test to determine compliance with established limits.

This letter serves as a notification that if your current approved air permit does not include formaldehyde in the VOC allowable, you must submit an administratively complete permit modification with the appropriate allowable limit expressed in mass emissions (lb/hr) as soon as possible, but no later than ninety (90 days) prior to the expiration date of your current permit. Please note that pursuant to New Jersey Administrative Codes 7:27-8 and 7:27-22 et. seq., emissions for all contaminants that are above reporting threshold must be included in any permit application.

The test methods typically used to quantify VOC emissions from IC engines do not measure or include formaldehyde. It is for this reason that effective immediately, upon submitting a test protocol in accordance with the terms of the air permit for IC engines that combust gaseous fuels, formaldehyde testing will be required to ensure that all VOC emissions are properly quantified pursuant to New Jersey Administrative Code 7:27-16.22 et. seq.

If you have any questions regarding this matter, please feel free to contact Kenneth Ratzman of the Bureau of Stationary Sources for questions regarding air permitting at 609-292-0834 or Michael Klein of the Emission Measurement Section for questions regarding source testing at 609-984-3443.

Sincerely,



Richelle B. Wormley, Director
Division of Air Enforcement



Francis Steitz, Director
Division of Air Quality

QUESTIONS

