

# Everything You Want to Know About Air Permitting

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Date





# Topics

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Environmental Justice (EJ)

Air Permit Applicability

Construction, Repair, &  
Maintenance (CRM)



# EJ Law

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- [N.J.S.A. 13:1D-157, et seq](#)
- Public engagement
- Certain facility/permit types
- Deny new/expansion
- Special conditions

# Administrative Order

## 2021-25

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- AO-25
- September 2021
- Applied spirit of EJ Law while rules pending
- Public engagement
- Special conditions



# EJ Rule

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- [N.J.A.C. 7:1C](#)
- April 2023
- Implements everything in the EJ Law
- EJ Impact Statement (EJIS)
- Localized Impact Control Technology (LICT) for new/expansion
- Technical feasibility analysis for renewal

# Does a permit trigger EJ?

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1. Is it one of the permit types as defined in Law/Rule?
2. Is it one of the facility types as defined in Law/Rule?
3. Is facility located in an EJ area as displayed in the EJMAP?

# 1. Permit Types

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- All permits
- Exceptions (for Air): site remediations and general permits (GP/GOP)

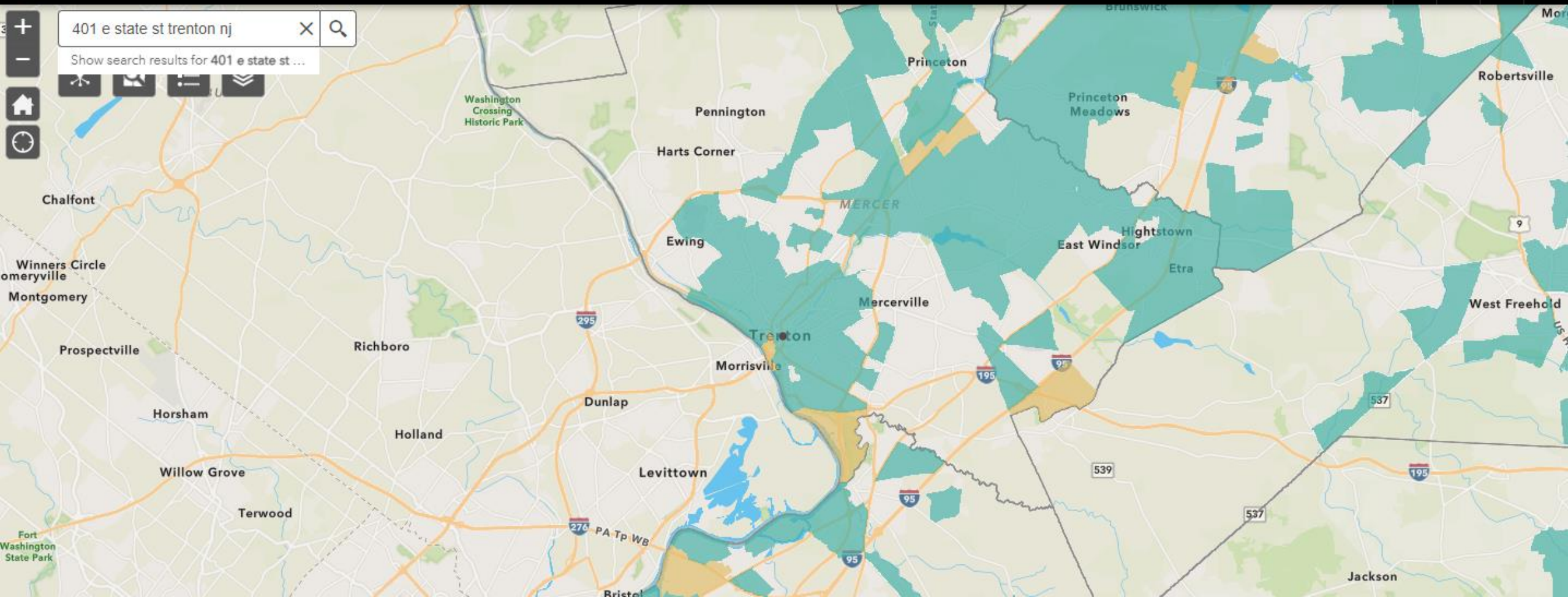
## 2. Facility Types

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- major source of air pollution;
- resource recovery facility or incinerator;
- sludge processing facility, combustor, or incinerator;
- sewage treatment plant with a capacity of more than 50 million gallons per day;
- transfer station or other solid waste facility, or recycling facility intending to receive at least 100 tons of recyclable material per day;
- scrap metal facility;
- landfill, including, but not limited to, a landfill that accepts ash, construction or demolition debris, or solid waste; or
- medical waste incinerator (w/exceptions)





# 3. EJMAP

# If meets all 3 EJ criteria

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- Follow EJ SOP
- Coordinate with Office of Permitting & Project Navigation (OPPN)
- Use NJEMS tracking for EJ
- EJ process must be complete before permit can be deemed “complete for review”
- Additional step: Does the permit increase health stressors?



# Impact to Air Permit Review

## Add'l time needed

- 4-6 months
- 6-12 months
- More than 1 year

## Status (4/5/2024)

- 199 referred to OPPN
- 141 under AO-25
  - 57 completed
- 58 under EJ Rule

# Impact on DAE

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Special conditions

Review of documents

EJ Impact Statement

Response to Comment





# Air Permit Applicability

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## N.J.A.C. 7:27-8.2(c)

- 22 source categories
- Latest addition - fumigation

## N.J.A.C. 7:27-8.2(d)-(g)

- (d) – general exemptions
  - (d)15&16 - CRM
- (e) – exemptions from (c)19
- (f) – exemptions from (c)1
- (g) – exemptions for emergency fumigation from (c)22

# Process for determining permit applicability

## Easy/clear cut

- Inspectors/permit evaluators can make call
- Any uncertainty, send to the official review process

## Air Permit Applicability Determination (APAD)

- Fill out and submit form
- Will consult with DAE if known DAE issue or unique/complicated situation
- Decisions kept in database



## Common applicability determination that can be difficult

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- (c)19
- Emergency generators
- Equipment where the boiler plate does not match actual size
- Waste handling operations
- Mobile vs stationary

# Other Applicability Determinations

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- CRM (use APAD)
- Trigger major threshold (use APAD)
- Common control



# Construction, Repair, & Maintenance (CRM)

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## N.J.A.C 7:27-8.1 definition

- “Construct” or “construction”
- “Repair or maintenance”

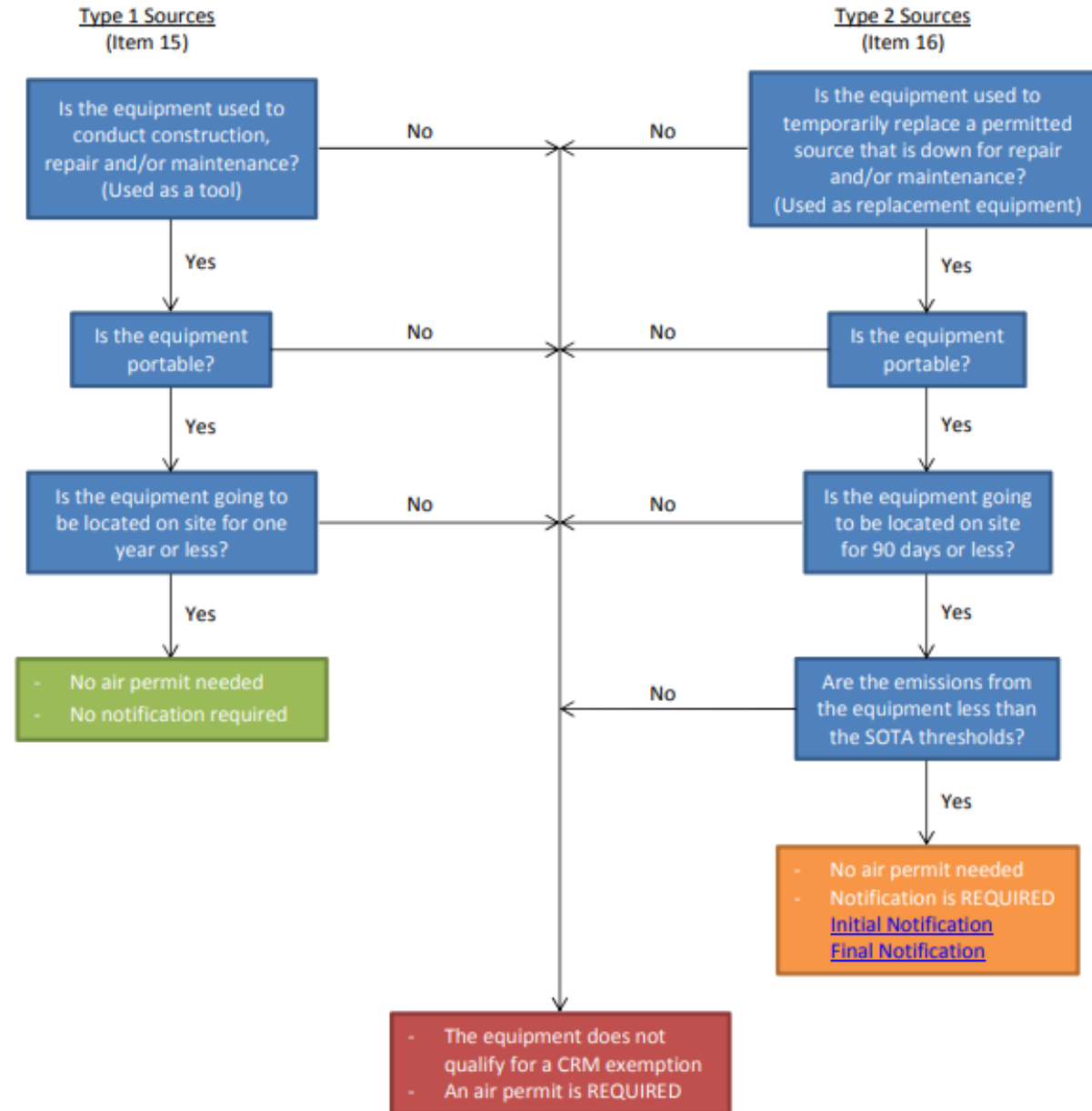
## CRM provisions

- N.J.A.C. 7:27-8.2(d)15 & 16
- Definition of “emergency generator” at [N.J.A.C. 7:27-19.1](#)

# CRM Flow Chart

Type 1 - N.J.A.C. 7:27-8.2(d)15

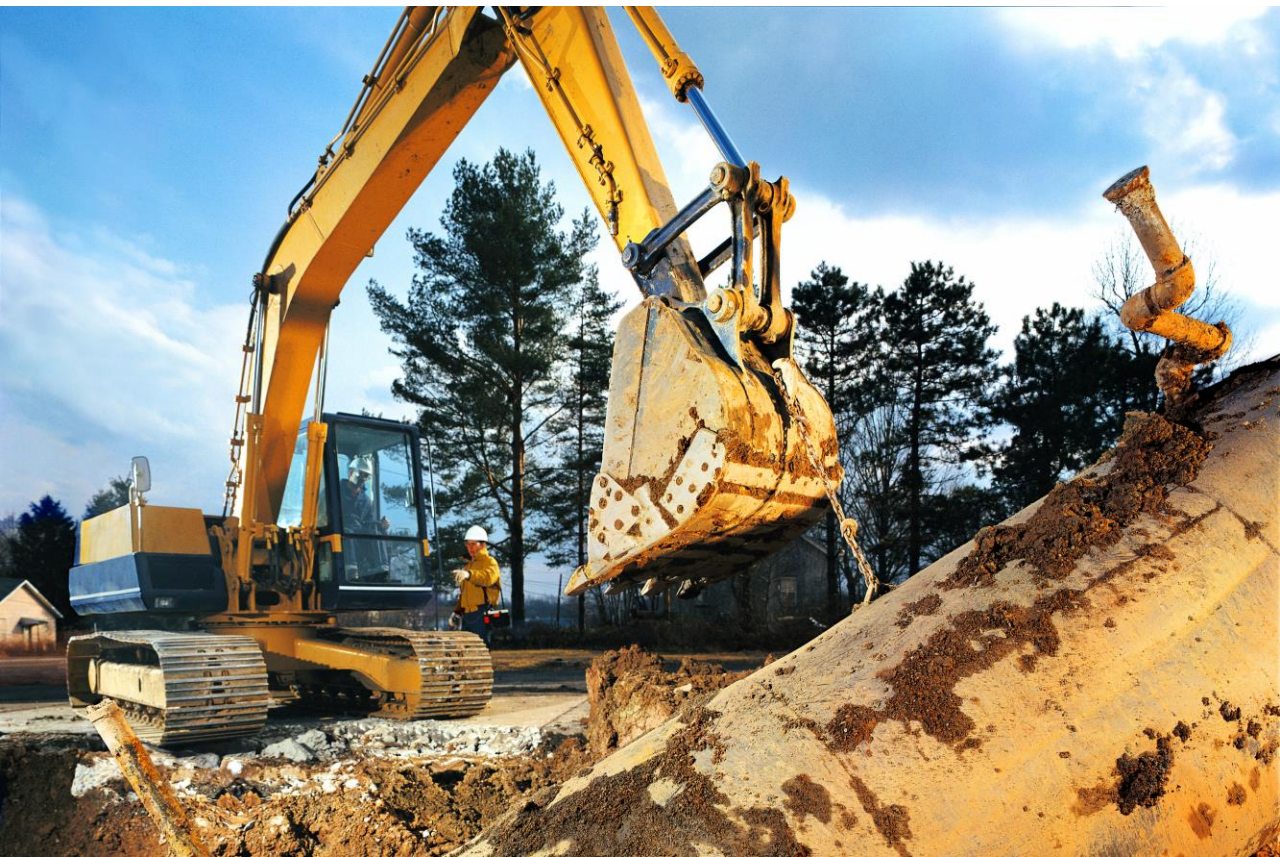
Type 2 - N.J.A.C. 7:27-8.2(d)16



# CRM

## Definition of “emergency generator”

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- **N.J.A.C. 7:27-19.1**
- Permitted as emergency generator
- A power disruption that results from construction, repair, or maintenance activity at the facility. Operation of the combustion source under this subparagraph is limited to 30 days in any calendar year





**Thank you!**

