Air Permitting

Businesses, including a wide array of industrial and commercial entities, are often required to obtain air permits for any equipment or operations that release air pollutants under both the federal Clean Air Act and New Jersey's Air Pollution Control Act. Greenbaum's environmental team assists clients with all aspects of air permitting and compliance with air quality regulations.

The firm's legal services in this area begin with helping businesses determine what type of air permit may be required, if any, to ensure compliance with federal and state law. The air permitting process involves detailed applications, and our attorneys are experienced in guiding clients and their consultants through the preparation and submission of these applications to the NJDEP. In certain instances, a general permit with pre-set operating conditions may address compliance requirements. For sources of air pollution not covered by general permits, or for sources exceeding certain permit triggers based upon emission thresholds for air pollutants including hazardous air pollutants (HAP), we assist clients on a case-by-case basis in determining the need for a permit or a preconstruction permit, which is required before the installation or modification of source equipment. Major facilities with significant air pollutant emissions are subject to New Jersey's comprehensive Title V Operating Permit program, which typically requires renewals every five years. We also advise on general operating permits, a type of pre-approved permit for a qualifying major source which already has a Title V permit.

Beyond the initial permitting process, we assist businesses with required reporting to the NJDEP and the federal Environmental Protection Agency (EPA), including the submission of annual emission statements and compliance certifications. We provide guidance related to environmental compliance audits, and in the event of an alleged violation or enforcement action, our environmental litigators defend clients in administrative proceedings and negotiate with regulatory agencies to achieve favorable outcomes. Finally, as business operations evolve, we provide support with permit modifications, amendments, and transfers of ownership, ensuring continuous compliance with all legal requirements.

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Experience

Representative Matters

- Represented a global medical equipment manufacturer in environmental permitting, ISRA compliance, and international corporate reorganizations, including resolution of Clean Water Act disputes resulting in $20–$50 million in avoided compliance costs.
- Serving as New Jersey environmental counsel to a multinational specialty coatings manufacturer in connection with ISRA compliance, remediation liability allocation, operating permits, and the acquisition and disposition of environmentally complex properties.

Insights & More

Client Alerts

NJDEP Publishes Draft Rules for Implementation of New Jersey's Environmental Justice Law
6.28.22

NJDEP Publishes Details on Registration of Permits and Approvals Tolled by Permit Extension Act of 2020
9.10.20

New Jersey Enacts Permit Extension Act of 2020 to Address Delays Caused by COVID-19 Pandemic
7.10.20