

7:27-22.4 General application procedures

(a) The procedures in this section apply to all applications and notices submitted to the Department pursuant to this subchapter. Specific procedures for initial operating permits, administrative amendments, seven-day-notice changes, minor modifications, significant modifications, and renewals can be found at N.J.A.C. 7:27-22.5, 22.20, 22.22, 22.23, 22.24, and 22.30, respectively.

(b) Any application or any notice of a seven-day-notice change shall be submitted to the Department on forms obtained from the Department at the address at N.J.A.C. 7:27-22.3(t), or in accordance with electronic data interchange (EDI) procedures established by the Department.

(c) An applicant may submit an application or notice to the Department electronically, using the Air Information Management System (AIMS). However, if the applicant is asserting a confidentiality claim for any element of information in the application pursuant to N.J.A.C. 7:27-1.6(a), the applicant shall omit the confidential information from the electronically submitted application, as the electronic copy of the application shall be a public copy which the Department may disclose to any person, without restriction or limitation. In such case, the applicant shall also make a paper submission of the application in accordance with N.J.A.C. 7:27-1.6 which included the confidential information. Information about AIMS and guidance regarding electronic submittal of an application or notice is available from the Department at the address listed at N.J.A.C. 7:27-22.3(t).

(d) A copy of any application or notice submitted to the Department shall also be submitted to EPA at the following address, unless EPA waives the requirement for notice at 40 CFR 70.8, or determines that an application summary, with any relevant portion of the permit application, may be submitted in lieu of the complete application.

United States Environmental Protection Agency,
Region II
Air Compliance Branch
290 Broadway
New York, New York 10007-1866

(e) An applicant for an initial operating permit or operating permit renewal is encouraged to submit an application to the Department no less than 90 days prior to the applicable application deadline set forth at N.J.A.C. 7:27-22.5 or 22.30, respectively.

(f) Within 30 days of receipt of an application, the Department will issue a letter detailing any deficiencies in respect to administrative completeness in the application, thereby providing the applicant the opportunity to correct the deficiencies prior to the application deadline.

Amended by R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).

See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a).
Amended by R.1997 d.453, effective October 20, 1997.
See: 29 N.J.R. 2509(a), 29 N.J.R. 4567(a).

In (c), rewrote the first sentence as the first and third sentences, deleted the existing second sentence, and inserted a new second sentence.

7:27-22.5 Application procedures for initial operating permits

(a) The application procedures in this section apply to all applications submitted to the Department for initial operating permits.

(b) The owner or operator of a facility subject to this subchapter shall submit a timely and administratively complete application for an initial operating permit. To be considered timely, an administratively complete application for an initial operating permit shall be submitted to the Department no later than the applicable deadline established in this section. An applicant for an initial operating permit is encouraged to submit the application to the Department no less than 90 days prior to the applicable application deadline set forth in this section. Within 30 days of receipt of an application, the Department will issue a letter detailing any deficiencies in respect to administrative completeness in the application, thereby providing the applicant the opportunity to correct the deficiencies prior to the complete application deadline listed at (c) below. An application shall be deemed administratively complete if the Department does not notify the applicant, within 60 days of its receipt of the application, that additional information is required.

(c) For an existing facility subject to this subchapter, the applicable deadline for submitting an administratively complete application for an initial operating permit is the earliest deadline below which applies to the facility:

1. For affected Title IV facilities with source operations subject to the acid deposition control program Phase II requirements for initial operating permits, the applicable deadline specified at N.J.A.C. 7:27-22.29(b);
2. For facilities with any source operation designated by EPA pursuant to 40 CFR 70.3(a)(5) as requiring an operating permit, within 12 months after the effective date of EPA's designation, or by a later deadline specified by EPA in its designation; and
3. For all other facilities, by the deadline the table below as determined by the facility's primary SIC code, as reported to the New Jersey Secretary of State:

SIC Code	Complete Application deadline	Suggested Early Submittal
2000 through 2086	8/15/95	5/15/95
2088 through 2199	8/15/95	5/15/95
4900 through 4910	8/15/95	5/15/95
4911 ¹	8/15/95	5/15/95
4912 through 4939	8/15/95	5/15/95
6400 through 6999	8/15/95	5/15/95

SIC Code	Complete Application deadline	Suggested Early Submittal
8300 through 9999	8/15/95	5/15/95
4911 ²	11/15/95	8/15/95
4200 through 4399	11/15/95	8/15/95
5900 through 6399	11/15/95	8/15/95
7000 through 7199	11/15/95	8/15/95
7500 through 8299	11/15/95	8/15/95
0000 through 1299	5/15/96	2/15/96
1400 through 1999	5/15/96	2/15/96
3200 through 3599	5/15/96	2/15/96
4000 through 4199	5/15/96	2/15/96
4400 through 4499	5/15/96	2/15/96
4800 through 4899	5/15/96	2/15/96
5300 through 5499	5/15/96	2/15/96
1300 through 1399	11/15/96	8/15/96
2700 through 2799	11/15/96	8/15/96
2900 through 2999	11/15/96	8/15/96
3600 through 3999	11/15/96	8/15/96
4500 through 4799	11/15/96	8/15/96
7300 through 7499	11/15/96	8/15/96
2200 through 2599	5/15/97	2/15/97
3000 through 3199	5/15/97	2/15/97
5000 through 5299	5/15/97	2/15/97
5500 through 5899	5/15/97	2/15/97
7200 through 7299	5/15/97	2/15/97
2087	11/15/97 [†]	8/15/97 [†]
2600 through 2699	11/15/97 [†]	8/15/97 [†]
2835 through 2899	11/15/97 [†]	8/15/97 [†]
2800 through 2834	5/15/98 [†]	2/15/98 [†]
4940 through 4999	5/15/98 [†]	2/15/98 [†]

(1) If the facility is located in Atlantic, Burlington, Gloucester, Hudson, Hunterdon, Salem, Union, Camden, Monmouth, Sussex, or Warren County.

(2) If the facility is located in Bergen, Cape May, Cumberland, Essex, Mercer, Middlesex, Ocean, Morris, Passaic, or Somerset County.

[†] Applications may be submitted up to six months after these dates if submitted electronically. If the application includes information for which a claim of confidentiality is being asserted, this six month deadline extension applies to both the electronic submittal and the accompanying paper submittal which includes the information being claimed confidential. See N.J.A.C. 7:27-22.4(c).

(d)-(e) (Reserved)

(f) For a new facility subject to this subchapter, the deadline for submitting an initial operating permit application is the later of the following:

1. The applicable deadline set forth at (c) above; or
2. Twelve months after the new facility commences operation.

(g) A new facility subject to this subchapter may either obtain preconstruction permit and operating certificate approval pursuant to N.J.A.C. 7:27-8 or such facility may elect to obtain both preconstruction and operating permit approval by the submittal and approval of an operating permit application pursuant to this subchapter prior to construction of the facility. In either situation, the facility must submit an application for an operating permit pursuant to (f) above.

(h) For an existing facility that becomes subject to this subchapter through a change to the facility or to any source operation, or to the use thereof, the applicable deadline for submitting the application for an initial operating permit is the later of the following:

1. The applicable deadline set forth at (c) above; or
2. Twelve months after the new or changed facility commences operation.

(i) For a facility that becomes subject to this subchapter through a change to any applicable requirement, or creation of a new applicable requirement, the applicable deadline for submitting the application for an initial operating permit, if no deadline is specified in the new requirement, is the later of the following:

1. The applicable deadline set forth at (c) above; or
2. Twelve months after the effective date of the new applicable requirement.

(j) If a facility has over 100 source operations, the owner or operator may elect to divide the facility into two or more components, and submit a separate application for an initial operating permit for each component. Such applications shall be submitted on a schedule proposed by the owner or operator and approved by the Department, except that the application for the final component shall be submitted no later than the application deadline established for the facility pursuant to (c) above.

Amended by R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).

See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a).

Amended by R.1997 d.453, effective October 20, 1997.

See: 29 N.J.R. 2509(a), 29 N.J.R. 4567(a).

In (c)3, in the footnotes to the table, added the dagger footnote regarding electronic submission of applications.

Public Notice: Notice of Receipt of and Action on Petitions for Rulemaking.

See: 29 N.J.R. 5333(c), 30 N.J.R. 240(a).

7:27-22.6 Operating permit application contents

(a) To be administratively complete, an application for an initial operating permit shall include all information required by this section and all application fees required pursuant to N.J.A.C. 7:27-22.31. The required information shall be provided on and with forms obtained from the Department, which will direct the applicant to set the information forth in a format such that the Department can incorporate the information readily into the draft operating permit.

(b) The required contents of an application for authorization to operate under a general operating permit, an administrative amendment, a minor modification, a significant modification, or a renewal of an operating permit are not set forth in this section, but rather are set forth at N.J.A.C. 7:27-22.14, 22.20, 22.23, 22.24, and 22.30, respectively. Requirements for submitting a notice of a seven-day-notice change are set forth at N.J.A.C. 7:27-22.22.

(c) Any source operation at a facility subject to this subchapter shall be included in the facility's application for an operating permit, except for exempt activities as defined at N.J.A.C. 7:27-22.1.

(d) All source operations which are not exempt as defined at N.J.A.C. 7:27-22.1 and are significant or insignificant source operations shall be included in a facility's application for an operating permit. Source operations shall be classified as either significant or insignificant, as defined at N.J.A.C. 7:27-22.1. Different types and amounts of information are required for significant and insignificant source operations in the application for an operating permit.

(e) In an application, an owner or operator may claim a source operation to be an insignificant source operation as defined at N.J.A.C. 7:27-22.1.

(f) An application for an initial operating permit shall include all information required by the application form, the instructions accompanying the application form, and the applicable completeness checklist(s) for the application. This shall include, but is not limited to, the following:

1. Information pertaining to the identification of the applicant, including:

i. The company name and mailing address, division name and the plant name and address (if different);

ii. The name and address of each owner, each owner's agent (if any), and each operator of the facility;

iii. The name and telephone number of the on-site facility manager and of any additional on-site contact person; and