

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
9. Air Quality Impact Analysis - PSD		Included in N.J.A.C. 7:27-22.31(y)4
a. Evaluate Protocol	Per Protocol	
b. Review Screening Modeling	Per Review	
c. Review Refined Modeling	Per Review	
10. Air Quality Impact Analysis - non PSD		
a. Evaluate Protocol	Per Protocol	\$1,685
b. Review Screening Modeling	Per Review	\$1,685
c. Review Refined Modeling	Per Review	\$2,527
11. Risk Assessment		
a. Evaluate Protocol	Per Protocol	\$2,527
b. Review Risk Assessment	Per Review	\$2,527
12. Testing		
a. Stack Test		
i. Evaluate Protocol (up to three probes)	Per Protocol Per Stack	\$1,267
ii. Evaluate Protocol (more than three probes)	Per Protocol Per Stack	\$1,685
iii. Review Testing Report (up to three probes)	Per Report Per Stack	\$1,267
iv. Review Testing Report (more than three probes)	Per Report Per Stack	\$1,685
b. Continuous Emission Monitors		
i. Evaluate Equipment Protocol	Per Protocol Per Stack	\$842.00
ii. Evaluate Performance Specification Test Protocol	Per Protocol Per Stack	\$842.00
iii. Review Testing Report	Per Report Per Stack	\$842.00
c. On-site Monitoring of Sample Collection Pursuant to an Approved Source-Specific Testing Protocol	Per Day Per Person	\$1,267
d. Periodic Monitoring Equipment Protocol	Per Protocol	\$425.00

(aa) Effective February 27, 2015, the adjusted fee schedule for a registration is set forth at (aa)1 and 2 below.

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
1. Registration for initial authorization, or renewal of authorization, to act under a General Operating Permit	Per Registration	\$820.00
2. Registration for, or five-year renewal of, authorization to operate a used oil space heater under N.J.A.C. 7:27-20.3	Per Registration	\$820.00

New Rule, R.1995 d.492, effective September 5, 1995 (operative October 8, 1995).  
 See: 27 N.J.R. 22(b), 27 N.J.R. 3472(a).  
 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).  
 Public Notice: Supplemental surcharge fee amount for operating permit facilities.  
 See: 28 N.J.R. 1562(b).  
 Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.  
 See: 30 N.J.R. 4079(a).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.  
 See: 32 N.J.R. 116(a).  
 Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.  
 See: 32 N.J.R. 4478(a).  
 Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.  
 See: 34 N.J.R. 782(c).  
 Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.  
 See: 34 N.J.R. 4474(b).  
 Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).  
 See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).  
 In (b), substituted "reporting" for "emission statement" following "during the" in the introductory paragraph and inserted a third sentence.  
 Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.  
 See: 35 N.J.R. 5444(b).  
 Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.  
 See: 36 N.J.R. 5171(b).  
 Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.  
 See: 37 N.J.R. 4475(a).  
 Amended by R.2006 d.212, effective June 19, 2006 (operative June 30, 2006).  
 See: 37 N.J.R. 4728(a), 38 N.J.R. 2691(b).  
 Rewrote section.  
 Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.  
 See: 38 N.J.R. 4760(b).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 39 N.J.R. 4961(b).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 40 N.J.R. 6487(a).

Administrative change.

See: 41 N.J.R. 4207(a).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 43 N.J.R. 319(a).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 44 N.J.R. 599(a), 3083(b).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 46 N.J.R. 141(a).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 47 N.J.R. 231(a), 3062(a).

Amended by R.2015 d.027, effective February 17, 2015 (operative February 27, 2015).

See: 46 N.J.R. 1782(a), 47 N.J.R. 467(a).

In (a)6, substituted "(p) and (aa)" for "(p), (t) and (x)"; in (e), substituted "(aa)" for "(x)"; in (k)1, substituted "(y)" for "(r) and (v)"; in (k)2, substituted "(z)" for "(s) and (w)"; in (p), substituted "(y)" for "(r) and (v)", "(z)" for "(s) and (w)", and "(aa)" for "(t) and (x)"; reserved (q) through (t) and (v) through (x); in (u)4 and (u)5, substituted "(y), (z), and (aa) below" for "(r), (s) and (t) above"; in (u)7, deleted the second sentence; and added (u)9, (y), (z), and (aa).

### 7:27-22.32 Hearings and appeals

(a) An adjudicatory hearing regarding a determination made by the Department pursuant to this subchapter may be requested and granted in accordance with N.J.A.C. 7:27-1.32.

(b) If a person does not have a right to request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32, there is final agency action as to that person when the Department takes final action on the application.

(c) If a person does have a right to request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32, there is final agency action as to that person when the Department denies the request for an adjudicatory hearing, or when the Commissioner issues a final decision on the matter, whichever is later.

(d) A person who wishes to appeal a penalty assessed for a violation of this subchapter may request an adjudicatory hearing pursuant to the procedures at N.J.A.C. 7:27A.

(e) The Department's failure to take final action on an administratively complete application for an initial operating permit, renewal, minor modification or significant modification, within the deadlines provided by this subchapter, shall constitute grounds for the commencement of an action in lieu of the prerogative writ of mandamus, to compel Departmental action on the application.

Amended by R.1998 d.231, effective May 4, 1998 (operative June 12, 1998).

See: 29 N.J.R. 3521(a), 30 N.J.R. 1563(b).

In (a) through (c), changed N.J.A.C. references.

### 7:27-22.33 Preconstruction review

(a) This section sets forth the procedures by which the Department will implement the preconstruction review requirements of N.J.S.A. 26:2C-1 et seq., as they apply to facilities subject to this subchapter.

(b) The owner or operator of a facility subject to this subchapter, which is in operation prior to the applicable application deadline at N.J.A.C. 7:27-22.5(c), shall obtain and maintain all preconstruction permits and operating certificates required pursuant to N.J.A.C. 7:27-8 until an operating permit is issued for the facility. These approvals will be superseded by the operating permit when it is issued.

(c) The owner or operator of a facility subject to this subchapter, which commences operation after the applicable application deadline at N.J.A.C. 7:27-22.5(c), shall submit an application for an initial operating permit by the deadline established at N.J.A.C. 7:27-22.5(f). Until the issuance of an operating permit for the facility, the owner or operator of the facility shall obtain and maintain all preconstruction permits and operating certificates required pursuant to N.J.A.C. 7:27-8. These approvals will be superseded by the operating permit when it is issued.

(d) An application for a minor modification pursuant to N.J.A.C. 7:27-22.23, or a significant modification pursuant to N.J.A.C. 7:27-22.24, shall be subject to preconstruction review, which will include a demonstration that any equipment or control apparatus which is constructed, reconstructed, or modified incorporates advances in the art of air pollution control for the kind and amount of air contaminant emitted pursuant to N.J.A.C. 7:27-22.35.

(e) The Department will perform the preconstruction and operating permit reviews of an application for a minor or significant modification simultaneously. Ordinarily, the Department will issue an operating permit modification which includes preconstruction approval. However, if requested by an applicant for a modification, the Department will issue the preconstruction approval simultaneously with the draft permit which is forwarded to EPA pursuant to N.J.A.C. 7:27-22.12. This preconstruction approval will authorize the permittee to begin construction and operation of a minor modification, at the permittee's own risk, in accordance with N.J.A.C. 7:27-22.23. For a significant modification of the operating permit, the permittee may begin construction of a significant modification, but may not operate the modified facility until final issuance of the significant modification.

(f) If a facility or source operation becomes subject to a case-by-case MACT standard pursuant to N.J.A.C. 7:27-22.26(c) prior to issuance of an operating permit for the facility, the owner or operator of the facility shall establish a case-by-case MACT standard pursuant to N.J.A.C. 7:27-22.26(e). The owner or operator of the facility shall obtain and maintain a preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8, which applies the case-by-case MACT