

1. During any 12 consecutive months, the geometric mean value of all 24-hour averages of suspended particulate matter concentrations in ambient air shall not exceed 60 micrograms per cubic meter; and

2. During any 12 consecutive months, 24-hour average concentrations may exceed 150 micrograms per cubic meter no more than once.

7:27-13.4 Ambient air quality standards for sulfur dioxide

(a) The primary air quality standards are:

1. During any 12 consecutive months, the arithmetic mean concentration of sulfur dioxide in ambient air shall not exceed 80 micrograms per cubic meter (0.03 ppm); and

2. During any 12 consecutive months, 24-hour average concentrations may exceed 365 micrograms per cubic meter (0.14 ppm) no more than once.

(b) The secondary air quality standards are:

1. During any 12 consecutive months, the arithmetic mean concentration of sulfur dioxide in ambient air shall not exceed 60 micrograms per cubic meter (0.02 ppm);

2. During any 12 consecutive months, 24-hour average concentrations may exceed 260 micrograms per cubic meter (0.1 ppm) no more than once; and

3. During any 12 consecutive months, three-hour average concentrations may exceed 1,300 micrograms per cubic meter (0.5 ppm) no more than once.

7:27-13.5 Ambient air quality standards for carbon monoxide

(a) The primary and secondary air quality standards are:

1. During any 12 consecutive months, eight-hour average concentrations of carbon monoxide in ambient air may exceed ten milligrams per cubic meter (9 ppm) no more than once; and

2. During any 12 consecutive months, one-hour average concentrations may exceed 40 milligrams per cubic meter (35 ppm) no more than once.

Amended by R.1985 d.252, effective May 20, 1985 (operative June 6, 1985).

See: 16 N.J.R. 1676(a), 17 N.J.R. 1292(a).

7:27-13.6 Ambient air quality standards for ozone

(a) The primary air quality standard is:

1. During any 12 consecutive months, daily maximum one-hour average concentrations of ozone in ambient air may exceed 0.12 ppm (235 micrograms per cubic meter) no more than once.

(b) The secondary air quality standard is:

1. During any 12 consecutive months, one-hour average concentrations of ozone in ambient air may exceed 0.08 ppm (160 micrograms per cubic meter) no more than once.

Amended by R.1985 d.252, effective May 20, 1985 (operative June 6, 1985).

See: 16 N.J.R. 1676(a), 17 N.J.R. 1292(a).

(a) added; original section is now (b)1.

7:27-13.7 Ambient air quality standards for lead

(a) The primary and secondary air quality standards are:

1. During any three consecutive months, the arithmetic mean of 24-hour averages of lead concentrations in ambient air shall not exceed 1.5 micrograms per cubic meter.

Amended by R.1985 d.252, effective May 20, 1985 (operative June 6, 1985).

See: 16 N.J.R. 1676(a), 17 N.J.R. 1292(a).

Deleted old text and substituted new.

7:27-13.8 Ambient air quality standards for nitrogen dioxide

(a) The primary and secondary air quality standards are:

1. During any 12 consecutive months, the arithmetic mean concentration of nitrogen dioxide in ambient air shall not exceed 100 micrograms per cubic meter (0.05 ppm).

Amended by R.1985 d.252, effective May 20, 1985 (operative June 6, 1985).

See: 16 N.J.R. 1676(a), 17 N.J.R. 1292(a).

Added "(a) The primary . . . standards are:".

SUBCHAPTER 14. CONTROL AND PROHIBITION OF AIR POLLUTION FROM DIESEL-POWERED MOTOR VEHICLES

7:27-14.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Alternative smoke opacity standard" means the smoke opacity standard applicable to a specific vehicle-engine-chassis combination, as determined by the procedure set forth at N.J.A.C. 7:27B-4.13.

"Black smoke" means smoke in the exhaust emissions of a diesel-powered motor vehicle which has a dark achromatic visual value and produces no predominant hue.

"Blue smoke" means smoke in the exhaust emissions of a diesel-powered motor vehicle which has a hue of the portion

of the visible light spectrum which lies between green and violet.

“California Air Resources Board” or “CARB” means the agency of the State of California established and empowered to regulate sources of air pollution, including motor vehicles, pursuant to California Health and Safety Code, Sections 39500 et seq.

“Certified configuration” means a heavy-duty diesel engine design or a light-duty diesel-powered motor vehicle-engine-chassis design certified by either of the following agencies as meeting the applicable emission standards for heavy-duty diesel engines or light-duty diesel-powered motor vehicles manufactured in a given model year:

1. EPA, for model year 1971 or for a more recent model year heavy-duty diesel vehicle engine;
2. EPA, for model year 1968 or for a more recent model year light-duty diesel vehicle;
3. CARB, for model year 1973 or for a more recent model year heavy-duty diesel vehicle engine; or
4. CARB, for model year 1966 or for a more recent model year light-duty diesel vehicle.

“Department” means the New Jersey Department of Environmental Protection.

“Diesel bus” means any diesel-powered autobus or motor-bus of any size or configuration, whether registered in this State or elsewhere, that is designed or used for intrastate or interstate transportation of passengers for hire or otherwise on a public road, street or highway or any public or quasi-public property in this State, including, but not limited to, autobuses under the jurisdiction of the New Jersey Department of Transportation pursuant to Titles 27 or 48 of the Revised Statutes; autobuses of the New Jersey Transit Corporation and its contract carriers that are under the inspection jurisdiction of the New Jersey Department of Transportation; autobuses that are subject to Federal motor carrier safety regulations; autobuses under the authority of the Interstate Commerce Commission or its successor agency; school buses, as defined pursuant to N.J.S.A. 39:1-1; and hotel, casino, charter, and special buses.

“Diesel engine” means a compression ignition type of internal combustion engine.

“Diesel-powered” means utilizing a diesel engine.

“Division of Motor Vehicles” or “DMV” means the Division of Motor Vehicles within the New Jersey Department of Transportation.

“Element of design” means any part or system on a motor vehicle or a motor vehicle engine pertaining to the vehicle’s or engine’s certified configuration.

“Emission control apparatus” means any device utilized by the vehicle manufacturer and/or the engine manufacturer to control the release of any regulated emission, including any associated component which monitors the function and maintenance of such a device.

“EPA” means the United States Environmental Protection Agency.

“Exhaust emissions” means the emissions (including any liquid or solid particles in the gaseous stream) released into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

“Gross vehicle weight rating” or “GVWR” means the value specified by the vehicle manufacturer as the maximum loaded weight of a single or combination vehicle.

“Heavy-duty diesel vehicle” or “HDDV” means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

“High speed diesel engine” means any diesel engine with a maximum governed engine speed over 2,800 RPM.

“Idle” means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

“Light-duty diesel vehicle” or “LDDV” means a diesel-powered motor vehicle, other than a diesel bus, that has a GVWR of 8,500 pounds or less and is designed primarily for transporting persons or property.

“Low speed diesel engine” means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.

“Medium speed diesel engine” means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.

“Model year” means the engine manufacturer’s annual production period, consistent with 40 C.F.R. 86.082, as the same is amended or supplemented, which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean a calendar year. The manufacturer’s annual production period shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if the model year includes February 29 in a leap year).

“Motor vehicle” means all vehicles propelled otherwise than by muscular power, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

"Opacity" means the property of a substance whereby it partially or wholly obstructs the transmission of visible light expressed as the percentage to which light is obstructed.

"Peak smoke opacity" means the highest numerical value of smoke opacity obtained through the testing procedures for the snap acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(a), or the rolling acceleration smoke opacity test at N.J.A.C. 7:27B-4.3(b), or the stall smoke opacity test at N.J.A.C. 7:27B-4.3(c).

"Person" means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any states, and any agencies or instrumentalities thereof.

"Quasi-public roadway" means any roadway that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey Turnpike, the Garden State Parkway, and the Atlantic City Expressway, but shall not include shopping mall roadways and parking lots, private business roadways, residential and nonresidential parking lots, and private driveways.

"Regulated emission" means any solid, liquid or gaseous substance which is emitted from a motor vehicle or motor vehicle engine and which is regulated by the EPA pursuant to 40 C.F.R. Part 86.

"Retrofitted diesel bus" means a diesel bus which is equipped with an engine which has been retrofitted or rebuilt to meet a particulate emission standard of 0.10 g/bhp-hr (grams per brake horsepower per hour) in conformance with the requirements set forth at 40 C.F.R. 85.1403(b) or (c).

"Smoke" means the emissions, including airborne solid and/or liquid particles, exclusive of water vapor, released into the atmosphere from a process of combustion.

R.1970 d.148, eff. June 19, 1971.

See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2888, 17 N.J.R. 189(b).

Section substantially amended.

Administrative Corrections.

See: 23 N.J.R. 1432(d).

Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Added "Alternative smoke opacity standard", "Black smoke", "Blue smoke", "California Air Resources Board", "Certified configuration", "Diesel bus", "Division of Motor Vehicles", "Element of design", "Emission control apparatus", "EPA", "Gross vehicle weight rating", "Heavy-duty diesel vehicle", "Light-duty diesel vehicle", "Low speed engine", "Model year", "Peak smoke opacity", "Quasi-public roadway", "Regulated emission", "Retrofitted diesel bus" and "Smokemeter"; mended and changed the name of "Diesel-powered engine" to read "Diesel engine" and "Diesel-powered motor vehicle" to read "Diesel

powered"; deleted "Autobus"; and amended "Department", "Exhaust emissions", "Idle", "Opacity", "Person" and "Smoke".

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Deleted "Smokemeter" definition.

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

Inserted "High speed diesel engine" and "Medium speed diesel engine"; and rewrote "Low speed engine" as "Low speed diesel engine".

7:27-14.2 Applicability

(a) Except as provided in (b) and (c) below, this subchapter applies to all diesel-powered motor vehicles.

(b) This subchapter does not apply to a diesel-powered motor vehicle with a GVWR equal to or greater than 18,000 pounds that is designed or used for the transporting of property on any public road, street or highway, on any public property, or on any quasi-public roadway in this State, and is owned and operated by a county, municipality, fire district, or duly incorporated nonprofit organization for first aid, emergency, ambulance, rescue, or fire-fighting purposes.

(c) N.J.A.C. 7:27-14.5 and 14.6 do not apply to light-duty diesel vehicles.

Repeal and New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

For inspection standards formerly codified at this section see N.J.A.C. 7:27-14.6.

7:27-14.3 General prohibitions

(a) No person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion, except:

1. A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or

2. A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

(b) The provisions of (a) above shall not apply to:

1. A diesel bus while it is discharging or picking up passengers;

2. A motor vehicle stopped in a line of traffic;

3. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or passenger compartment air conditioning;

4. A motor vehicle being or waiting to be examined by a State or Federal motor vehicle inspector;

5. An emergency motor vehicle in an emergency situation;
6. A motor vehicle while it is being repaired;
7. A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers; or
8. A motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

(c) No person shall cause, suffer, allow or permit any emission control apparatus or element of design installed on any diesel-powered motor vehicle or diesel engine to be disconnected, detached, deactivated, or in any other way rendered inoperable or less effective, in respect to limiting or controlling emissions than it was designed to be by the original equipment or vehicle manufacturer, except for the purposes of diagnostics, maintenance, repair or replacement and only for the duration of such operations.

(d) (Reserved)

R.1970 d.148, eff. June 19, 1971.
 See: 2 N.J.R. 54(c), 3 N.J.R. 4(a).
 Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).
 See: 16 N.J.R. 2888, 17 N.J.R. 189(b).
 Section recodified to 14.2 and this section repealed.
 New Rule, R.1985 d.610, effective December 2, 1985 (operative May 5, 1986).
 See: 16 N.J.R. 2886(a), 17 N.J.R. 2887(a).
 Amended by R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).
 See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).
 In (b)1, substituted "diesel bus" for "autobus"; in (b)8, added "unless the vehicle ... start-up difficulties"; and added (c) and (d).

7:27-14.4 General public highway standards

(a) No person shall cause, suffer, allow or permit the operation of any diesel-powered motor vehicle upon the public roads, streets or highways of the State or upon any public property or upon any quasi-public roadway in the State, if the vehicle:

1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth at N.J.A.C. 7:27-14.6;
2. Emits visible blue smoke in the exhaust emissions for more than three consecutive seconds;
3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.8; or

4. Has an emission control apparatus or an element of design installed on the vehicle or diesel engine which has been disconnected, detached, deactivated, or in any other way rendered inoperable or less effective than designed by the original equipment or vehicle or engine manufacturer.

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).
 See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

7:27-14.5 Test requirements

(a) A person testing a diesel-powered motor vehicle as part of the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 shall use one or more of the following tests, as designated by the Director of the Division of Motor Vehicles in consultation with the Department and the New Jersey Department of Transportation, and with the approval of the Attorney General:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);
3. The stall smoke opacity test, for a vehicle with a medium or high speed diesel engine and an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c); or
4. The visible black smoke screening test, as described at N.J.A.C. 7:27B-4.3(d).

(b) A person testing a heavy-duty diesel vehicle as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17 shall use one of the following tests:

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);
3. The stall smoke opacity test, for a vehicle with a medium or high speed diesel engine and an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c); or
4. (Reserved)

(c) A person testing a diesel bus as part of the periodic inspection program pursuant to N.J.A.C. 13:20-30, or N.J.S.A. 48:4-1 et seq. and N.J.A.C. 16:53, shall use one of the following tests:

1. The snap acceleration smoke opacity test, for a vehicle with a low speed engine, only, as described at N.J.A.C. 7:27B-4.3(a); or

2. The stall smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(d) A person testing a diesel-powered motor vehicle as part of the self-inspection programs pursuant to N.J.A.C. 13:20-26 or at N.J.A.C. 16:53-3.27, shall use one of the following tests:

1. The snap acceleration smoke opacity test, for a vehicle with a low speed engine, only, as described at N.J.A.C. 7:27B-4.3(a);

2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b); or

3. The stall smoke opacity test, for a vehicle with an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c).

(e) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.8(d).

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4; deleted (c); and recodified former (d) through (f) as (c) through (e).

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

In (a)1 and (b)1, substituted references to low and medium speed diesel engines for references to low speed engines; and in (a)3 and (b)3, inserted references to medium and high speed diesel engines.

7:27-14.6 Inspection standards

(a) No diesel-powered motor vehicle shall be deemed to have passed an inspection unless it meets:

1. The general public highway standards set forth at N.J.A.C. 7:27-14.4; and

2. The applicable smoke opacity standards set forth in (b), (c), (d) and (e) below.

(b) A heavy-duty diesel vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the stall smoke opacity test set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

1. For model years 1973 and older, the level of peak smoke opacity shall not exceed 70 percent;

2. For model years 1974 through 1990, the level of peak smoke opacity shall not exceed 55 percent;

3. For model years 1991 and newer, the level of peak smoke opacity shall not exceed 40 percent; and

4. (Reserved)

(c) A diesel bus, tested using the snap acceleration smoke opacity test, or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

1. For model years 1987 and older, the level of peak smoke opacity shall not exceed 40 percent;

2. For model years 1988 and newer, the level of peak smoke opacity shall not exceed 30 percent; and

3. (Reserved)

(d) A retrofitted diesel bus, tested using the snap acceleration smoke opacity test, or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds a peak smoke opacity standard of 30 percent;

(e) A diesel-powered motor vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, and for which an alternative smoke opacity standard has been established in accordance with the procedures set forth at N.J.A.C. 7:27B-4.13, shall not emit smoke in the exhaust emissions which exceeds the smoke opacity standard established as the alternative smoke opacity standard for that vehicle.

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4 and (c)3.

7:27-14.7 Non-interference with the motor vehicle codes

Nothing in this subchapter is intended to limit or deny any existing authority to inspect diesel-powered motor vehicles in accordance with regulations established pursuant to N.J.S.A. 39:8-2, 39:3-70, 39:3-76, 39:10-26 and 48:4-2.1a.

New Rule, R.1997 d.393, effective September 15, 1997 (operative October 7, 1997).

See: 29 N.J.R. 971(a), 29 N.J.R. 4108(a).

SUBCHAPTER 15. CONTROL AND PROHIBITION OF AIR POLLUTION FROM GASOLINE-FUELED MOTOR VEHICLES

Authority

N.J.S.A. 13:D-1 et seq. and 26:2C-1 et seq.

Subchapter Historical Note

Adopted as R.1972 d.1, effective July 5, 1972. See: 3 N.J.R. 103(a), 4 N.J.R. 21(c). Amended by R.1974 d.169, eff. July 1, 1974. See: 76 N.J.R. 173(a), 6 N.J.R. 305(b).

On September 2, 1983 the standards referenced at N.J.A.C. 7:27-15.1 were adopted by the Department of Environmental Protection on an emergency basis as R.1983 d.407. On November 2, 1983 they were readopted without change as R.1983 d.536, and are exempt from the expiration provisions of Executive Order 66(1978) since the application of this order would be in violation of the Clean Air Act, as amended August 1977 (42 USC 7401 et seq.). See: 15 N.J.R. 1607(a), 15 N.J.R. 1943(b).

7:27-15.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“California Air Resources Board” or “CARB” means the agency of the State of California established and empowered to regulate sources of air contaminant emissions, including motor vehicles, pursuant to California Health & Safety Code, Sections 39500 et seq.

“Carbon monoxide” or “CO” means a gas having a molecular composition of one carbon atom and one oxygen atom.

“Certified configuration” means a vehicle-engine-chassis design for LDGVs and LDGTs or an engine design for HDGVs certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in a given model year:

1. EPA for model year 1968 or for a more recent model year; or
2. CARB for model year 1966 or for a more recent model year.

“Clean Air Act” or “CAA” means the Federal Clean Air Act (42 U.S.C. 7401 et seq.) which consists of Public Law 159 (July 14, 1955; Stat. 322) and all subsequent amendments thereto.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Crankcase emissions” means substances emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.

“Department” means the Department of Environmental Protection.

“Division of Motor Vehicles” or “DMV” means the Division of Motor Vehicles within the New Jersey Department of Transportation.

“Element of design” means any automotive part or system on a motor vehicle that is subject to the Federal emission standards at 40 CFR Part 86 or California emission standards at California Code of Regulations Title 13 which:

1. Is included in the motor vehicle’s certified configuration; and
2. Could affect the emission of any regulated air contaminant from the motor vehicle.

“Emission control apparatus” means any device employed by the vehicle manufacturer which prevents or controls the emission of any air contaminant, including associated components which monitor the function and maintenance of these devices.

“EPA” means the United States Environmental Protection Agency.

“EPA Memorandum 1A” means the memorandum dated June 25, 1974, and issued by the EPA’s Office of Enforcement and General Counsel, which sets forth the EPA’s interim tampering enforcement policy. This term also includes any revisions to the policy set forth in the June 25, 1974 memorandum that are subsequently issued by the EPA. A copy of this EPA memorandum has been filed with the Office of Administrative Law and may be obtained from the Bureau of Transportation Control in the Department of Environmental Protection.

“Exhaust emissions” means substances emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

“G/mi” means grams per mile.

“Gasoline-fueled” means powered by a hydrocarbon fuel other than diesel fuel, including, but not limited to, gasoline, natural gas, liquefied petroleum gas, or propane or powered by alcohol fuels, hydrocarbon-alcohol fuel blends or hydrogen.

“Gross vehicle weight rating” or “GVWR” means the value specified by the manufacturer as the maximum loaded weight of a single or combination vehicle.

“Heavy-duty gasoline-fueled vehicle” or “HDGV” means a gasoline-fueled motor vehicle that has a GVWR exceeding 8,500 pounds and is designed primarily for transporting persons or property.

“Hydrocarbons (HC)” means any compound or mixture of compounds whose molecules consist of atoms of hydrogen and carbon only.

“Idle” means an operating mode where the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer.

“Light-duty gasoline-fueled truck” or “LDGT” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, a vehicle curb weight of 6,000 pounds or less, and a basic frontal area of 45 square feet or less, and that:

1. Is designed primarily for the transportation of property or more than 12 passengers; or
2. Is available with special features enabling off-street or off-highway operation and use.

“Light-duty gasoline-fueled truck 1” or “LDGT1” means a light-duty gasoline-fueled truck with a GVWR of 6,000 pounds or less.

“Light-duty gasoline-fueled truck 2” or “LDGT2” means a light-duty gasoline-fueled truck with a GVWR of more than 6,000 pounds.

“Light-duty gasoline-fueled vehicle” or “LDGV” means a gasoline-fueled motor vehicle that has a GVWR of 8,500 pounds or less, is designed primarily for use as a passenger car or is a passenger car derivative and is capable of seating no more than 12 passengers.

“Loaded vehicle weight” or “LVW” means the vehicle curb weight plus 300 pounds.

“Low mileage vehicle” means a motor vehicle that is driven less than 10,000 miles during a biennial inspection period.

“Model year” means the manufacturer’s annual production period (as determined under 40 CFR section 85.2304 (60 Fed. Reg. 4738, Jan. 24, 1995), as the same is amended or supplemented) which includes January 1 of such calendar year, provided, that if the manufacturer has no annual production period, this term shall mean the calendar year. A specific model year shall include January 1 of the calendar year for which it is designated and shall not include a January 1 of any other calendar year. Thus, the maximum duration of a model year is one calendar year plus 364 days (or 365 days if a leap year).

“Motor vehicle” means all vehicles propelled otherwise than by muscular power, excepting motorized bicycles and such vehicles as run only upon rails or tracks.

“Motor vehicle emission testing equipment” means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.14, Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

“Motorized bicycle” means a pedal bicycle which is capable of a maximum speed of no more than 25 miles per hour on a flat surface and which has a helper motor which;

1. Has a maximum piston displacement that is less than 50 cubic centimeters; or
2. Is rated at no more than 1.5 brake horsepower.

“New motor vehicle” means a newly-manufactured motor vehicle, prior to its delivery to the ultimate purchaser.

“New motor vehicle dealer” means any person licensed pursuant to N.J.S.A. 39:10-19 to sell new motor vehicles.

“Official inspection facility” means a test-only inspection facility operated by, licensed by, or under contract with the

DMV whose exclusive function is conducting emissions inspections.

“Oxides of nitrogen” or “NO_x” means all the oxides of nitrogen including, but not limited to, nitric oxide (NO) and nitrogen dioxide (NO₂), except nitrous oxide (N₂O).

“Person” means any individual or entity and shall include, without limitation, corporations, companies, associations, societies, firms, partnerships, and joint stock companies, and shall also include, without limitation, all political subdivisions of any States, and any agencies or instrumentalities thereof.

“Predelivery checklist” means a schedule of items and procedures which a new motor vehicle dealer is required or requested by a manufacturer to check or follow prior to delivery of a new motor vehicle to the ultimate purchaser.

“Private inspection facility” or “PIF” means a facility licensed by the DMV to perform emissions inspections that may also offer motor vehicle parts and repair services.

“Quasi-public property” means any property that, although under private ownership or control, is accessible to the public. This term shall include, but shall not be limited to, the New Jersey Turnpike, the Garden State Parkway, shopping mall roadways and parking lots, private business roadways and nonresidential parking lots.

“RPM” means revolutions per minute.

“Smoke” means small gasborne and airborne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

“Tier 1 Standards” means standards for LDGTs and LDGVs of model years 1994 and later, prescribed at section 202(g) of the Clean Air Act, 42 U.S.C.A. 7521(g).

“Ultimate purchaser” means any person, other than a motor vehicle dealer purchasing in his capacity as a motor vehicle dealer, who in good faith purchases a motor vehicle for purposes other than for resale as a motor vehicle dealer.

“Vehicle curb weight” means the actual weight of a motor vehicle in operational status or the weight given by the manufacturer for such a motor vehicle. Such weight shall include the weight of all standard equipment, of the fuel at nominal tank capacity, and of optional equipment computed in accordance with 40 CFR section 86.082-24. This term, with respect to an incomplete light-duty gasoline truck, shall be the weight given by the manufacturer for such a truck.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Administrative Corrections.

See: 23 N.J.R. 1432(d).

Emergency Amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted concurrent proposal, R.1995 d.527, effective August 28, 1995, (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

Provisions of R.1995 d.409 readopted, with changes effective October 2, 1995.

Amended by R.1996 d.302, effective July 1, 1996 (operative July 30, 1996).

See: 28 N.J.R. 138(a), 28 N.J.R. 3413(a).

Amended "Quasi-public property".

Amended by R.1997 d.283, effective July 7, 1997 (operative August 11, 1997).

See: 29 N.J.R. 726(a), 29 N.J.R. 2826(b).

Amended "Gasoline-fueled", "Heavy-duty gasoline-fueled vehicle", "Hydrocarbons (HC)", and "Motor vehicle emission testing equipment"; and added "Idle".

Administrative correction.

See: 31 N.J.R. 872(a).

7:27-15.2 Applicability

(a) Except as provided in (b) and (c) below, this subchapter applies to all light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles.

(b) This subchapter does not apply to:

1. Motor vehicles operated solely on diesel fuel; and
2. Motorcycles.

(c) N.J.A.C. 7:27-15.3, 15.4, 15.5 and 15.6 apply only to those light-duty gasoline-fueled vehicles, light-duty gasoline-fueled trucks and heavy-duty gasoline-fueled vehicles that are subject to inspection in accordance with N.J.S.A. 39:8.

(d) This subchapter shall apply to any person and the United States, all political subdivisions of the United States, and any agencies or instrumentalities thereof.

Emergency New Rule, R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.3 General public highway standards

(a) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the vehicle emits visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds.

(b) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets, or highways of the State, or any public or quasi-public property in the State, if the vehicle emits hydrocarbons (HC), carbon monoxide (CO), or oxides of nitrogen (NO_x) in the exhaust emissions in excess of any applicable standards set forth at N.J.A.C. 7:27-15.6(b).

(c) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the motor vehicle does not satisfy and pass all applicable motor vehicle inspection testing requirements at N.J.A.C. 7:27-15.5 unless the motor vehicle has been issued a waiver in accordance with N.J.A.C. 13:20-43.13.

(d) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit the operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State if the motor vehicle is a 1968 or later model year vehicle (or, if the vehicle was originally sold in California, a 1966 or later model year vehicle), and the motor vehicle is not certified by either of the following agencies as meeting the applicable emission standards for motor vehicles manufactured in the model years listed below:

1. EPA for model years 1968 and later; or
2. CARB for model year 1966 and later motor vehicles originally sold in California.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Section substantially amended.

Emergency recodification from 7:27-15.2 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.4 New motor vehicle dealer inspections

(a) A new motor vehicle dealer shall ensure that, prior to delivery by the new motor vehicle dealer to the ultimate purchaser, any gasoline-fueled new motor vehicle subject to this subchapter pursuant to N.J.A.C. 7:27-15.2 conforms to the emission specifications prescribed by the manufacturer for the new motor vehicle. These specifications may be prescribed by the manufacturer in the new motor vehicle predelivery check list provided for the dealer's use in assuring proper functioning of the vehicle emission control apparatus.

(b) Whenever applicable emission specifications are not prescribed by the manufacturer, the inspection standards as set forth in N.J.A.C. 7:27-15.6(b) shall apply to the new motor vehicle.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Section substantially amended.

Emergency recodification from 7:27-15.3 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.5 Motor vehicle inspections

(a) The owner of a motor vehicle subject to this section pursuant to N.J.A.C. 7:27-15.2 shall have the motor vehicle periodically inspected in accordance with this section.

(b) The motor vehicle shall be inspected at least once every two years. This biennial inspection shall be deemed an "on-cycle" inspection and shall include an initial inspection, together with any reinspections required pursuant to (h) below. In addition, in accordance with its procedures, the DMV may require the owner of a motor vehicle to have it inspected more frequently than every two years. Such more frequent inspections shall be deemed to be "off-cycle" inspections and shall also include an initial inspection together with any reinspections required pursuant to (h) below.

(c) Initial inspections and reinspections for an on-cycle or an off-cycle inspection shall be performed at either an official inspection facility or at a PIF.

(d) A motor vehicle inspection is not complete until:

1. The motor vehicle passes all of the tests and satisfies all of the requirements, as specified in (f) below, that constitute the emission inspection at an appropriate inspection facility, as specified in (c) above; or

2. The motor vehicle has been issued a waiver in accordance with N.J.A.C. 13:20-43.13.

(e) Initial inspections shall be performed without repair or adjustment, other than proper tightening of the gas cap, at the inspection facility, prior to the inspection.

(f) A motor vehicle inspection shall include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.4(a);

2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an exhaust emission test utilizing motor vehicle emission testing equipment approved by the Department. The specific exhaust emission test to be used shall be determined in accordance with (g) below;

3. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-4.8;

4. For an LDGV or LDGT of model year 1981 or later originally equipped with an evaporative emission control system, an evaporative pressure test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.9;

5. (Reserved);

6. For an LDGV, LDGT or HDGV originally equipped with a sealed fuel filler cap (that is, not a

directly vented fuel filler cap), not otherwise subject to an evaporative pressure test pursuant to (f)4 above, a fuel cap leak test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.12;

7. On and after January 1, 2001, for an LDGV or LDGT of model year 1996 or later, an on-board diagnostics test conducted in accordance with N.J.A.C. 7:27B-4.11; and

8. For any motor vehicle that is subject to a recall notice issued to the owner on or after January 1, 1995, pursuant to either a "Voluntary Emissions Recall" as defined at 40 C.F.R. section 85.1902(d) or to a remedial plan determination made pursuant to 42 U.S.C.A. section 7541(c), the provision by the owner of the motor vehicle of documentation that all applicable recall repairs have been completed; provided, however, for any recall notice received fewer than 60 days prior to inspection, provision of this documentation may, instead, be provided at the next scheduled vehicle inspection.

(g) The exhaust emission test to be used pursuant to (f)2 above shall be determined as follows:

1. Except as specified in (g)2 and 3 below, the exhaust emission test procedure to be used shall be as follows:

i. For a motor vehicle of model year 1980 or earlier, the exhaust emission test procedure to be used shall be the idle test set forth at N.J.A.C. 7:27B-4.4(b); and

ii. For a motor vehicle of model year 1981 or later, the exhaust emission test procedure to be used shall be the ASM5015 test set forth at N.J.A.C. 7:27B-4.6, except that an inspection performed at a PIF may utilize the IM240 test set forth at N.J.A.C. 7:27B-4.7.

2. Notwithstanding the provision of (g)1 above, if the motor vehicle has a GVWR in excess of 8,500 pounds, the exhaust emission test procedure to be used shall be the idle test set forth at N.J.A.C. 7:27B-4.4(b).

3. Notwithstanding the provision of (g)1 above, if the motor vehicle is either of the following types, the exhaust emission test procedure to be used shall be the 2,500 RPM test set forth at N.J.A.C. 7:27B-4.5:

i. A motor vehicle of model year 1981 or later that employs either full-time four-wheel drive or non-disengageable traction control; or

ii. A low mileage vehicle of model year 1981 or later.

(h) The owner of a motor vehicle that fails to pass all of the tests that constitute a motor vehicle inspection pursuant to (f) above shall have it reinspected in accordance with every applicable element of (f) within 30 days. Operation of the motor vehicle upon the public roads, streets or highways of the State or any public or quasi-public property in the State shall be prohibited pursuant to N.J.A.C. 7:27-15.3(c) unless, by the 30-day deadline:

1. The motor vehicle passes all of the tests and meets all the requirements that constitute the inspection; or
2. A waiver is issued pursuant to N.J.A.C. 13:20-43.13.

(i) An on-road inspection conducted pursuant to N.J.A.C. 13:20-43.14 may include the following:

1. A visible smoke test conducted in accordance with N.J.A.C. 7:27B-4.4(a);
2. Unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an idle test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.4(b);
3. For an LDGV, LDGT or HDGV of model year 1975 or later, an emission control apparatus compliance examination conducted in accordance with N.J.A.C. 7:27B-4.8;
4. For an LDGV or LDGT of model year 1981 or later, originally equipped with an evaporative emission control system, unless the motor vehicle is exempt pursuant to N.J.A.C. 7:27-15.6(e) or (f), an evaporative pressure test utilizing motor vehicle emission testing equipment approved by the Department and conducted in accordance with N.J.A.C. 7:27B-4.9; and
5. Any other tests deemed appropriate by the Director of the DMV that are directed toward detecting acts of tampering with emission control apparatus specifically prohibited at N.J.A.C. 7:27-15.7(a)1 or toward identifying vehicles operated in violation of N.J.A.C. 7:27-15.3(d). Such tests may include visual or functional checks of emission control apparatus and elements of design.

(j) A motor vehicle inspection test using remote sensing techniques shall include the following:

(Reserved)

(k) Any motor vehicle that fails an on-road inspection conducted pursuant to (i) above or a remote sensing test conducted pursuant to (j) above shall be subject to an off-cycle inspection. An off-cycle inspection shall consist of all test procedures and requirements to which a motor vehicle would normally be subject in accordance with (f) above. If the motor vehicle fails the initial off-cycle inspection, the provisions of (h) above apply.

(l) Each year DMV shall conduct a program evaluation test which shall entail additional testing for at least 0.1 percent of those motor vehicles subject to inspection during that year. The motor vehicles subject to the program evaluation testing shall be selected by the DMV in accordance with its procedures. The program evaluation test shall consist of one or more IM240 tests performed in accordance with N.J.A.C. 7:27B-4.7. The program evaluation test shall be performed after, and in addition to, any other inspection procedures required pursuant to this section. The results of the program evaluation test shall not be used in determining whether a motor vehicle has passed or failed its motor vehicle inspection with regard to exhaust emissions.

Emergency New Rule, R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995, (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

Provisions of R.1995 d.409 readopted, with changes effective October 2, 1995.

Amended by R.1997 d.56, effective February 3, 1997 (operative March 8, 1997).

See: 28 N.J.R. 2298(b), 29 N.J.R. 498(a).

Updated model year references and inserted references to HDGVs and to twelve months after EPA interim approval of plan revisions throughout; substantially amended (c); inserted (f)6 and (f)7 and recodified former (f)6 as (f)8; inserted (g)1iii; and substantially amended (g)2.

Amended by R.1997 d.283, effective July 7, 1997 (operative August 11, 1997).

See: 29 N.J.R. 726(a), 29 N.J.R. 2826(b).

Inserted text in (f)7.

Amended by R.1999 d.408, effective November 15, 1999 (operative December 7, 1999).

See: 31 N.J.R. 2572(a), 31 N.J.R. 3627(a).

In (f), (g) and (i), changed N.J.A.C. references throughout; in (f), rewrote 3, 4, 5 and 7; in (g)1, rewrote ii and deleted a former iii; rewrote (g)3 and (i)4; and in (l), substituted "one or more" for "two" preceding "IM240" in the third sentence.

Cross References

Testing procedures for fuel cap leak test, see N.J.A.C. 7:27B-4.13.

7:27-15.6 Motor vehicle inspection standards

(a) Any light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit visible smoke in the exhaust emissions or in the crankcase emissions for a period in excess of three consecutive seconds when measured using the test procedure established at N.J.A.C. 7:27B-4.4(a).

(b) Any light-duty gasoline-fueled vehicle, light-duty gasoline-fueled truck or heavy-duty gasoline-fueled vehicle shall not emit carbon monoxide (CO), hydrocarbons (HC), or oxides of nitrogen (NO_x) in the exhaust emissions in excess of the following standards:

1. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the idle test, the motor vehicle shall be subject to the exhaust emission standards set forth in Table 1 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.4(b);

TABLE 1
EXHAUST EMISSION STANDARDS
FOR THE IDLE TEST
LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	7.0	700
1971-1974	5.0	500
1975-1980	3.0	300
1981 & Later	1.2	220

LDGVs and LDGTs Powered by a Fuel Other Than Gasoline
(Reserved)
HDGVs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
Pre-1968	8.5	1400
1968-1970	8.5	1200
1971-1974	6.0	700
1975-1978	4.0	500
1979 & Later	3.0	300

HDGVs Powered by a Fuel Other Than Gasoline
(Reserved)

2. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the 2,500 RPM test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 2 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.5;

3. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the ASM5015 test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 3 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.6; or

4. If, pursuant to the provisions of N.J.A.C. 7:27-15.5(g), a motor vehicle is tested using the IM240 test, the motor vehicle shall be subject to the applicable exhaust emission standards set forth in Table 4 below. Compliance with these standards shall be determined in accordance with the inspection test procedure at N.J.A.C. 7:27B-4.7.

TABLE 2
EXHAUST EMISSION STANDARDS
FOR THE 2500 RPM TEST
LDGVs and LDGTs Powered by Gasoline

Model Year	CO (% by volume)	HC (ppm as hexane)
1981 & Later	0.5	100

LDGVs and LDGTs Powered by a Fuel Other Than Gasoline
(Reserved)
TABLE 3

EXHAUST EMISSION STANDARDS
FOR THE ASM5015 TEST
LDGVs Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1982	4	13	19
1983-1990	4	11	19
1991-1995	2	10	18
1994+ Tier 1	1	9	17

† The numbers given in this column refer to the appropriate column number in Table 5 below, which contains the actual exhaust emission standards.

LDGVs Powered by a Fuel other than Gasoline
(Effective through December 31, 2001)
(Reserved)

LDGT1s Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1983	8	16	24
1984-1987	6	15	24
1988-1990	6	15	20
1991-1995	5	13	19
1994+ Tier 1			
(≤3750 LVW)	1	9	17
(>3750 LVW)	2	10	18

† The numbers given in this column refer to the appropriate column number in Table 5 below, which contains the actual exhaust emission standards.

LDGT1s Powered by a Fuel other than Gasoline
(Effective through December 31, 2001)
(Reserved)

LDGT2s Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1983	8	16	24
1984-1987	6	15	24
1988-1990	6	15	23
1991-1995	5	13	22
1994+ Tier 1			
(≤5750 LVW)	2	10	18
(>5750 LVW)	5	13	21

† The numbers given in this column refer to the appropriate column number in Table 5 below, which contains the actual exhaust emission standards.

LDGT2s Powered by a Fuel other than Gasoline
(Effective through December 31, 2001)
(Reserved)

LDGVs Powered by Gasoline
(Effective January 1, 2002)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1982	1	11	17
1983+	1	9	17

† The numbers given in this column refer to the appropriate column number in Table 5 below, which contains the actual exhaust emission standards.

LDGVs Powered by a Fuel other than Gasoline
(Effective January 1, 2002)
(Reserved)

LDGT1s Powered by Gasoline
(Effective January 1, 2002)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1983	7	14	22
1984-1987	3	12	22
1988-1995	3	12	18
1994+ Tier 1	1	9	17

† The numbers given in this column refer to the appropriate column number in Table 5 below, which contains the actual exhaust emission standards.

LDGT1s Powered by a Fuel other than Gasoline
(Effective January 1, 2002)
(Reserved)

† The numbers given in this column refer to the appropriate column number in Table 5, below, which contains the actual exhaust emission standards.

LDGT2s Powered by Gasoline
(Effective January 1, 2002)

Model Years	HC [†]	CO [†]	NO _x [†]
1981-1983	7	14	22
1984-1987	3	12	22
1988-1995	3	12	20
1994+ Tier 1	1	9	17

TABLE 4
EXHAUST EMISSION STANDARDS FOR THE IM240 TEST

LDGVs Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	10.0	6.00	150	120	10.0	10.0
1973-1974	10.0	6.00	150	120	9.0	9.0
1975-1976	7.50	5.00	90.0	72.0	9.0	9.0
1977-1979	7.50	5.00	90.0	72.0	6.0	6.0
1980	2.00	1.25	60.0	48.0	6.0	6.0
1981-1982	2.00	1.25	60.0	48.0	3.0	3.0
1983-1990	2.00	1.25	30.0	24.0	3.0	3.0
1991-1995	1.20	0.75	20.0	16.0	2.5	2.5
1994+ Tier 1	0.80	0.50	15.0	12.0	2.0	2.0

LDGVs Powered by a Fuel other than Gasoline
(Effective through December 31, 2001)
(Reserved)

LDGT1s Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	10.0	6.00	150	120	10.0	10.0
1973-1974	10.0	6.00	150	120	9.0	9.0
1975-1978	8.00	5.00	120	96.0	9.0	9.0
1979-1983	7.50	5.00	100	80.0	7.0	7.0
1984-1987	3.20	2.00	80.0	64.0	7.0	7.0
1988-1990	3.20	2.00	80.0	64.0	3.5	3.5
1991-1995	2.40	1.50	60.0	48.0	3.0	3.0
1994+ Tier 1						
(LVW ≤ 3750)	0.80	0.50	15.0	12.0	2.0	2.0
(LVW > 3750)	1.00	0.63	20.0	16.0	2.5	2.5

LDGT1s Powered by a Fuel other than Gasoline
(Effective through December 31, 2001)
(Reserved)

LDGT2s Powered by Gasoline
(Effective through December 31, 2001)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	10.0	6.00	150	120	10.0	10.0
1973-1974	10.0	6.00	150	120	9.0	9.0

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1975-1978	8.00	5.00	120	96.0	9.0	9.0
1979-1983	7.50	5.00	100	80.0	7.0	7.0
1984-1987	3.20	2.00	80.0	64.0	7.0	7.0
1988-1990	3.20	2.00	80.0	64.0	5.0	5.0
1991-1995	2.40	1.50	60.0	48.0	4.5	4.5
1994+ Tier 1						
(LVW≤5750)	1.00	0.63	20.0	16.0	2.5	2.5
(LVW>5750)	2.40	1.50	60.0	48.0	4.0	4.0

LDGT2s Powered by a Fuel other than Gasoline

(Effective through December 31, 2001)

(Reserved)

LDGVs Powered by Gasoline

(Effective January 1, 2002)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	7.00	4.50	120	96.0	7.0	7.0
1973-1974	7.00	4.50	120	96.0	6.0	6.0
1975-1976	3.00	2.00	65.0	52.0	6.0	6.0
1977-1979	3.00	2.00	65.0	52.0	4.0	4.0
1980	0.80	0.50	30.0	24.0	4.0	4.0
1981-1982	0.80	0.50	30.0	24.0	2.0	2.0
1983-1995	0.80	0.50	15.0	12.0	2.0	2.0
1994+ Tier 1	0.60	0.40	10.0	8.0	1.5	1.5

LDGVs Powered by a Fuel other than Gasoline

(Effective January 1, 2002)

(Reserved)

LDGT1s Powered by Gasoline

(Effective January 1, 2002)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	7.00	4.50	120	96.0	7.0	7.0
1973-1974	7.00	4.50	120	96.0	6.0	6.0
1975-1978	4.00	2.50	80.0	64.0	6.0	6.0
1979-1983	3.40	2.00	70.0	56.0	4.5	4.5
1984-1987	1.60	1.00	40.0	32.0	4.5	4.5
1988-1995	1.60	1.00	40.0	32.0	2.5	2.5
1994+ Tier 1						
(LVW≤3750)	0.60	0.40	10.0	8.0	1.5	1.5
(LVW>3750)	0.80	0.50	13.0	10.0	1.8	1.8

LDGT1s Powered by a Fuel other than Gasoline

(Effective January 1, 2002)

(Reserved)

LDGT2s Powered by Gasoline

(Effective January 1, 2002)

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1968-1972	7.00	4.50	120	96.0	7.0	7.0
1973-1974	7.00	4.50	120	96.0	6.0	6.0
1975-1978	4.00	2.50	80.0	64.0	6.0	6.0

Model Years	HC (g/ml)		CO (g/ml)		NO _x (g/ml)	
	Composite	Phase 2	Composite	Phase 2	Composite	Phase 2
1979-1983	3.40	2.00	70.0	56.0	4.5	4.5
1984-1987	1.60	1.00	40.0	32.0	4.5	4.5
1988-1995	1.60	1.00	40.0	32.0	3.5	3.5
1994+ Title 1						
(LVW≤5750)	0.80	0.50	13.0	10.0	1.8	1.8
(LVW>5750)	0.80	0.50	15.0	12.0	2.0	2.0

LDGT2s Powered by a Fuel other than Gasoline

(Effective January 1, 2002)

(Reserved)

TABLE 5

Column numbers	Hydrocarbons (ppm)								Carbon monoxide (%)								Oxides of nitrogen (ppm)							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
LVW†																								
1750	142	224	257	291	324	390	407	774	0.80	1.26	1.64	2.02	2.78	3.16	3.54	4.31	1212	1819	2272	2725	3178	3631	4084	4990
1875	134	212	243	275	306	368	384	729	0.75	1.19	1.55	1.91	2.63	2.98	3.34	4.06	1142	1713	2181	2649	3117	3586	4054	4990
2000	127	201	230	260	289	348	363	688	0.71	1.13	1.47	1.81	2.48	2.82	3.16	3.83	1077	1616	2058	2499	2941	3383	3824	4778
2125	121	191	219	246	274	329	343	650	0.68	1.07	1.39	1.71	2.35	2.67	2.99	3.63	1018	1527	1944	2360	2776	3192	3609	4578
2250	115	182	208	234	260	312	325	615	0.64	1.02	1.32	1.62	2.23	2.53	2.83	3.44	954	1446	1839	2232	2625	3018	3411	4395
2375	109	173	198	223	247	297	309	583	0.61	0.97	1.26	1.54	2.12	2.40	2.69	3.26	915	1372	1744	2115	2487	2859	3231	4228
2500	105	166	189	212	236	283	294	554	0.59	0.93	1.20	1.47	2.02	2.29	2.56	3.10	889	1304	1657	2009	2361	2714	3066	4076
2625	100	159	181	203	225	270	281	528	0.56	0.89	1.15	1.41	1.92	2.18	2.44	2.96	828	1242	1577	1912	2246	2581	2916	3936
2750	96	152	173	194	216	258	269	503	0.54	0.85	1.10	1.34	1.84	2.09	2.33	2.83	791	1186	1504	1823	2142	2460	2779	3809
2875	92	146	167	187	207	247	257	481	0.52	0.82	1.05	1.29	1.76	2.00	2.23	2.71	756	1134	1438	1742	2046	2350	2654	3669
3000	89	141	160	180	199	237	247	461	0.50	0.79	1.01	1.24	1.69	1.92	2.14	2.60	725	1088	1378	1668	1959	2249	2539	3510
3125	86	136	155	173	191	228	238	443	0.48	0.76	0.98	1.19	1.63	1.84	2.06	2.50	696	1045	1323	1601	1879	2157	2435	3366
3250	83	132	149	167	185	220	229	426	0.46	0.73	0.94	1.15	1.57	1.78	1.99	2.40	670	1006	1273	1539	1806	2073	2340	3234
3375	81	128	145	162	179	213	221	411	0.45	0.71	0.91	1.11	1.52	1.72	1.92	2.32	647	970	1227	1483	1740	1997	2253	3113
3500	78	124	140	157	173	206	214	397	0.44	0.69	0.88	1.08	1.47	1.66	1.88	2.24	625	937	1184	1432	1679	1926	2174	3002
3625	76	120	136	152	168	200	207	384	0.42	0.67	0.86	1.05	1.42	1.61	1.80	2.17	605	907	1146	1384	1623	1862	2100	2900
3750	74	117	133	148	163	194	201	372	0.41	0.65	0.83	1.02	1.38	1.56	1.74	2.11	586	879	1110	1340	1571	1802	2033	2806
3875	72	114	129	144	159	188	195	361	0.40	0.63	0.81	0.99	1.34	1.52	1.69	2.05	569	853	1077	1300	1523	1747	1970	2719
4000	71	112	126	140	155	183	191	351	0.39	0.62	0.79	0.96	1.31	1.48	1.65	1.99	553	829	1046	1262	1479	1695	1912	2638
4125	69	109	123	137	151	179	188	341	0.38	0.60	0.77	0.94	1.27	1.44	1.61	1.94	538	807	1017	1227	1437	1647	1857	2562
4250	67	107	120	134	147	174	181	332	0.37	0.59	0.75	0.92	1.24	1.40	1.56	1.89	524	786	990	1194	1398	1602	1806	2490
4375	66	104	118	131	144	170	177	323	0.36	0.58	0.74	0.89	1.21	1.37	1.53	1.84	510	766	954	1162	1360	1559	1757	2423
4500	65	102	115	128	141	166	172	315	0.36	0.57	0.72	0.87	1.18	1.34	1.49	1.80	498	747	939	1132	1325	1518	1711	2359
4625	63	100	113	125	137	162	169	308	0.35	0.55	0.70	0.85	1.15	1.30	1.46	1.76	486	728	916	1104	1291	1479	1666	2297
4750	62	98	110	122	134	159	165	300	0.34	0.54	0.69	0.84	1.13	1.28	1.42	1.72	474	711	893	1076	1259	1441	1624	2238
4875	61	96	108	120	132	155	161	293	0.34	0.53	0.67	0.82	1.10	1.25	1.39	1.68	463	694	872	1049	1227	1405	1583	2180
5000	60	94	106	117	129	152	157	286	0.33	0.52	0.66	0.80	1.08	1.22	1.36	1.64	452	677	850	1023	1196	1369	1542	2125
5125	58	93	104	115	126	148	154	279	0.32	0.51	0.65	0.78	1.05	1.19	1.33	1.60	441	661	830	998	1167	1335	1503	2070
5250	57	91	102	112	123	145	150	272	0.32	0.50	0.63	0.77	1.03	1.16	1.30	1.56	431	648	810	974	1138	1301	1465	2017
5375	56	89	100	110	121	142	147	266	0.31	0.49	0.62	0.75	1.01	1.14	1.27	1.53	420	631	790	950	1109	1269	1428	1966
5500	55	87	98	108	118	139	144	259	0.30	0.48	0.61	0.73	0.99	1.11	1.24	1.49	410	616	771	926	1082	1237	1392	1916
5625	54	86	96	106	116	136	141	253	0.30	0.47	0.59	0.72	0.97	1.09	1.21	1.46	401	601	752	904	1055	1206	1357	1867
5750	53	84	94	104	113	133	138	247	0.29	0.46	0.58	0.70	0.94	1.07	1.19	1.43	391	587	734	882	1029	1176	1323	1820
5875	52	83	92	102	111	130	135	241	0.29	0.45	0.57	0.69	0.92	1.04	1.16	1.40	383	574	717	860	1004	1147	1290	1774
6000	51	81	90	100	109	127	132	236	0.28	0.44	0.56	0.67	0.91	1.02	1.14	1.37	374	561	701	840	980	1120	1259	1731
6125	50	80	89	98	107	125	129	231	0.28	0.44	0.55	0.66	0.89	1.00	1.11	1.34	366	549	685	822	958	1094	1230	1690
6250	50	79	87	96	105	123	127	226	0.27	0.43	0.54	0.65	0.87	0.98	1.09	1.31	359	538	671	804	937	1070	1203	1653
6375	49	77	86	95	103	120	125	222	0.27	0.42	0.53	0.64	0.86	0.96	1.07	1.29	352	528	658	788	919	1049	1179	1619
6500	48	76	85	93	102	119	123	218	0.26	0.42	0.52	0.63	0.84	0.95	1.06	1.27	346	519	647	775	902	1030	1158	1590
6625	48	76	84	92	101	117	121	215	0.26	0.41	0.52	0.62	0.83	0.94	1.04	1.25	341	512	638	738	889	1014	1140	1565
6750	47	75	83	91	100	116	120	213	0.26	0.41	0.51	0.61	0.82	0.93	1.03	1.24	338	507	631	755	879	1003	1127	1546
6875	47	75	83	91	99	115	119	211	0.26	0.40	0.51	0.61	0.82	0.92	1.02	1.23	335	503	626	749	872	995	1118	1534
7000	47	74	83	91	99	115	119	211	0.25	0.40	0.51	0.61	0.82	0.92	1.02	1.23	335	502	625	747	870	992	1115	1531
7125	47	74	82	90	98	115	119	211	0.25	0.40	0.51	0.61	0.81	0.92	1.02	1.22	335	502	624	747	870	992	1115	1530
7250	47	74	82	90	98	115	119	211	0.25	0.40	0.50	0.61	0.81	0.92	1.02	1.22	335	502	624	747	870	992	1115	1530
7375	47	74	82	90	98	115	119	211	0.25	0.40	0.50	0.61	0.81	0.92	1.02	1.22	335	502	624	747	870	992	1115	1530
7500	47	74	82	90	98	115	119	211	0.25	0.40	0.50	0.61	0.81	0.92	1.02	1.22	335	502	624	747	870	992	1115	1530

†For the purpose of applying these standards, the vehicle's LVW shall be rounded to the nearest 125 pound increment listed in this table.

Note: The emission standards decrease with increasing vehicle weight in order to maintain a constant concentration-based standard for all vehicle weights. This effect is a result of conversion of the standards from a mass measurement to a concentration measurement and accounts for increased displacement from larger engines or a higher RPM from the increased load on smaller engines in heavier vehicles.

(c) A gasoline-fueled motor vehicle which is subject to inspection pursuant to N.J.A.C. 7:27-15.5(a) shall, as a condition of compliance with said inspection, have properly functioning and properly maintained emission control apparatus as determined according to the inspection test procedures established at N.J.A.C. 7:27B-4.8, 4.9, 4.10, 4.11 and 4.12.

(d) Except as provided in (e) and (f) below, the applicability of the standards set forth in this subchapter and of the test procedures set forth at N.J.A.C. 7:27B-4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11 and 4.12 to a motor vehicle with an engine other than the engine originally installed by the manufacturer shall be based on the chassis type and model year of the motor vehicle, not on the engine model year.

(e) A motor vehicle that is modified to operate solely on a fuel other than that for which the motor vehicle was originally equipped shall be subject to the test procedures and standards applicable to a motor vehicle of the current fuel type. If the motor vehicle's fuel type after modification is one to which this subchapter does not apply (for example, a gasoline engine replaced with a diesel engine), the motor vehicle shall be exempt from this subchapter. If the motor vehicle's fuel type after modification is a fuel type to which this subchapter applies, but is other than gasoline (for example, a gasoline engine modified to operate solely on natural gas), the standards applicable to that motor vehicle shall be those prescribed in the Tables 1, 2, 3 and 4 above for motor vehicles powered by a fuel other than gasoline. Until such time that applicable exhaust emission standards are promulgated for motor vehicles powered by fuels other than gasoline, such vehicles shall be exempt from exhaust emission testing when operating on a fuel other than gasoline.

(f) A motor vehicle that is modified or manufactured to operate on more than one fuel type shall be subject to exhaust emission standards that apply to the motor vehicle for each fuel type for which the motor vehicle is equipped. Such motor vehicle shall be subject to an exhaust emission test for each fuel type on which it operates and shall comply with all applicable standards for each fuel type. Such motor vehicle shall also be subject to an evaporative pressure test and an evaporative purge test when operating on gasoline. If the motor vehicle is capable of simultaneous operation on more than one fuel type (for example, flexible fuel, gasoline-methanol vehicle), the motor vehicle shall be subject to an exhaust emission test using the fuel mixture in the vehicle at the time of inspection and subject to the exhaust emission standards applicable to vehicles powered by gasoline. When operating on a fuel other than gasoline, the exhaust emission standards applied to a motor vehicle shall be those prescribed in the Tables 1, 2, 3 and 4 above for motor vehicles powered by a fuel other than gasoline. Until such time that applicable exhaust emission standards are promulgated for motor vehicles powered by fuels other than gasoline, such vehicles shall be exempt from exhaust emission testing when operating on a fuel other than gasoline.

(g) The provisions of (d), (e), and (f) above shall not be construed to allow any of the following acts, if such act is prohibited by N.J.A.C. 7:27-15.7:

1. The installation of an engine into a motor vehicle other than the engine originally installed by the manufacturer;
2. The operation of a motor vehicle on a fuel other than that for which the motor vehicle was originally equipped; and
3. The modification of a motor vehicle to operate on more than one fuel type.

As amended, R.1975 d.22, eff. January 31, 1975.

See: 7 N.J.R. 102(b).
As amended, R.1975 d.91, eff. October 1, 1975.
See: 6 N.J.R. 173(a), 7 N.J.R. 206(c).
As amended, R.1975 d.92, eff. April 1, 1975.
See: 7 N.J.R. 206(c).
As amended, R.1976 d.12, eff. January 14, 1976.
See: 8 N.J.R. 62(c).
As amended, R.1977 d.1, eff. January 3, 1977.
See: 9 N.J.R. 77(c).
Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).
See: 16 N.J.R. 2889, 17 N.J.R. 189(b).
Section substantially amended.
Amended by R.1985 d.331, effective July 1, 1985 (operative December 2, 1985).
See: 17 N.J.R. 781(a), 17 N.J.R. 1649(a).
"past-1984 model year" substituted for "light duty." Added text "weighing less than 8501 pounds."
Emergency recodification from 7:27-15.4 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).
See: 27 N.J.R. 2752(a).
Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995, except changes upon adoption effective October 2, 1995 (operative October 27, 1995).
See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).
Amended by R.1997 d.56, effective February 3, 1997 (operative March 8, 1997).
See: 28 N.J.R. 2298(b), 29 N.J.R. 498(a).
In (b), inserted tables, with amended effective dates, under Table 3, amended effective dates for tables under Table 4, and added Table 5; and in (c) and (d), amended N.J.A.C. references.
Amended by R.1999 d.408, effective November 15, 1999 (operative December 7, 1999).
See: 31 N.J.R. 2572(a), 31 N.J.R. 3627(a).
Changed N.J.A.C. 7:27B references throughout; and in (b), substituted references to 2001 for references to 1999 and substituted references to 2002 for references to 2000 in Tables 3 and 4.

7:27-15.7 Prohibition of tampering with emission control apparatus

(a) No owner or operator of a gasoline-fueled motor vehicle shall cause, suffer, allow or permit any of the following, unless it is performed in accordance with EPA Memorandum 1A or it is exempt from prohibition by CARB executive order (information on devices or modifications approved by CARB executive order may be obtained from Air Resources Board, Haagen-Smit Laboratory, 9528 Telsstar Avenue, El Monte, CA 91731-2990):

1. The disconnection, detachment, deactivation, or any other alteration or modification from the design of the original vehicle manufacturer of an element of design installed on any motor vehicle with a certified configuration, except temporarily for the purpose of diagnosis, maintenance, repair or replacement;
2. The operation on the public roads, streets or highways of the State or any public or quasi-public property in the State of any motor vehicle with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer;

3. The sale, lease, or offer for sale or lease, of any motor vehicle with a certified configuration in which any element of design installed on such vehicle has been disconnected, detached, deactivated, or in any other way altered or modified from the design of the original vehicle manufacturer; or

4. The sale, or offer for sale, of any device or component as an element of design intended for use with, or as part of, any motor vehicle or motor vehicle engine with a certified configuration, which is not designed to duplicate the function and performance of any element of design installed by the original vehicle manufacturer.

New Rule, R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

New rule. Old rule recodified to 15.7.

Emergency recodification from 7:27-15.5 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.8 Idle standard

(a) No person shall cause, suffer, allow, or permit the engine of a gasoline-fueled motor vehicle to idle for more than three consecutive minutes if the vehicle is not in motion.

(b) The provisions of (a) above shall not apply to:

1. Buses while discharging or picking up passengers;
2. Motor vehicles stopped in a line of traffic;
3. Motor vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion, passenger compartment heating or air conditioning;
4. Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;
5. Emergency motor vehicles in an emergency situation;
6. Motor vehicles while being repaired;
7. Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or
8. Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Rule recodified and substantially amended, to 15.8.

New Rule, R.1985 d.610, effective December 2, 1985 (operative May 5, 1986).

See: 16 N.J.R. 2886(a), 17 N.J.R. 2887(a).

Emergency recodification from 7:27-15.6 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted concurrent proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

7:27-15.9 Non-interference with the motor vehicle codes

Nothing in this subchapter is intended to limit or deny the inspection of motor vehicles in accordance with regulations established pursuant to N.J.S.A. 39:8-2, 39:3-70, 39:3-76, and 39:10-26.

Amended by R.1985 d.1, effective January 21, 1985 (operative July 1, 1985).

See: 16 N.J.R. 2889, 17 N.J.R. 189(b).

Recodified from 15.5; Old (a) deleted and (b)-(c) now (a)-(b).

Emergency recodification from 7:27-15.7 and amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).

Adopted Concurrent Proposal, R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).

See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).

SUBCHAPTER 16. CONTROL AND PROHIBITION OF AIR POLLUTION BY VOLATILE ORGANIC COMPOUNDS

Subchapter Historical Note

Subchapter 16 was adopted as R.1975 d.377, effective March 1, 1976. See: 7 N.J.R. 47(c), 8 N.J.R. 15(b). The subchapter was amended by R.1979 d.414, effective December 17, 1979. See: 10 N.J.R. 477(b), 11 N.J.R. 544(b). Further amendments were filed as R.1982 d.3, effective February 1, 1982 (operative, March 1, 1982). See: 13 N.J.R. 127(a), 14 N.J.R. 145(b). See section annotations for further rulemaking activity.

7:27-16.1 Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

“Actual emissions” means the rate at which an air contaminant is actually emitted, either directly or indirectly, to the outdoor atmosphere, in units of mass per calendar year, seasonal period, or other time period specified in this subchapter.

“Agitator” means an apparatus with an external seal used to shake, stir, or mix material in an enclosed vessel.

(e) A user shall not use a VOC or NO_x credit based on emission reductions that occurred outside the ozone season to comply with any requirement during the ozone season.

(f) A use period shall not exceed one year. However, a given use may be continued over consecutive use periods, provided that the notice requirements set forth at N.J.A.C. 7:27-30.15 and 30.16 are met for each use period.

(g) Except in a case where the use is exempted from the requirement for a Notice of Intent to Use pursuant to N.J.A.C. 7:27-30.15(e), a use period shall not begin until a complete Notice of Intent to Use has been submitted to the registry in accordance with N.J.A.C. 7:27-30.15 and 30.19. Additionally:

1. If the user source is located within 100 kilometers of Edwin B. Forsythe National Wildlife Refuge (see Appendix C for a delineation of this area), the use period shall not begin until 30 days after the user submits a copy of the Notice of Intent to Use to the Federal Land Manager, pursuant to N.J.A.C. 7:27-30.19(h); and

2. If the user source is permitted under N.J.A.C. 7:27-8 or 22, and the use entails an increase in the actual emissions of any air contaminant (including, but not limited to, any "permit insurance" use listed at N.J.A.C. 7:27-30.14(d)), the use period shall not begin until seven days after the Notice of Intent to Use has been submitted to the Department as a seven-day-notice, pursuant to N.J.A.C. 7:27-8.3(k) or 22.22(d).

(h) Whenever credits are used, the user shall retire 10 percent of the total number of the credits used for the benefit of the environment, unless the use is a "permit insurance" use pursuant to N.J.A.C. 7:27-30.14(d) and (e), in which case the user shall retire 20 percent of the total number of the credits used for the benefit of the environment. In determining the number of credits needed for a use, the credits required to be retired are additional to the credits otherwise required for the use.

(i) The user shall hold DER credits as follows:

1. For a "permit insurance" use pursuant to N.J.A.C. 7:27-30.14(d) and (e), the user shall hold the full quantity of DER credits needed for compliance during the use period by the day the Notice of Intent to Use is submitted to the registry;

2. For a use of DER credits to meet emission offset requirements, the user shall hold DER credits as required pursuant to N.J.A.C. 7:27-30.14(f);

3. For a use for which no Notice of Intent to Use is required, pursuant to N.J.A.C. 7:27-30.15(e), the user shall hold the full quantity of DER credits required for compliance by the day the Notice of Use is submitted to the registry;

4. For any other use, the user shall hold the credits needed for compliance (including any credits required

pursuant to N.J.A.C. 7:27-30.13(d)2, 3 and 4ii, iii and iv) on any given date within the use period by the day before that date, except as provided at (i)5 below;

5. If on any day within the use period the number of credits held by the user for the use is less than the number required to be held under (i)4 above, the number of DER credits needed for compliance for each day the shortfall occurs shall be tripled;

6. Once a user holds a DER credit pursuant to (i)1 through 5 above, the user shall continue to hold the DER credits until the Notice of Use is filed; and

7. In all cases the user is required to hold all DER credits needed for the use at the time the Notice of Use is submitted.

(j) If any DER credit being held for a use pursuant to (i)2 through 7 above subsequently proves not to be needed for the use, the user may, after the Notice of Use is submitted, trade, voluntarily retire, or use these credits for other purposes allowed under this subchapter.

(k) If a user has used a DER credit that is designated as invalid pursuant to N.J.A.C. 7:27-30.29(a) or cancelled pursuant to N.J.A.C. 7:27-30.29(b), the user shall, within 60 days after receiving notice of the invalidation or cancellation, submit to the registry an amendment of the Notice of Use which replaces the invalid DER credit with a valid credit, identified by its serial number.

(l) If all the verifications of a DER credit that a user has used are rendered invalid pursuant to N.J.A.C. 7:27-30.10(f) or (h), the user shall, within 60 days after receiving notice of the invalidation of the verification:

1. Ensure that a new Notice of Verification is submitted to the registry which verifies the original DER credit; or

2. Submit to the registry an amendment of the Notice of Use which replaces the invalid DER credit with a verified credit, identified by its serial number.

(m) The Department may request an interim calculation to determine whether the user source's use of credits, as of any date during the use period, has exceeded the maximum number of credits, as set forth by the user in the Notice of Intent to Use. The user shall submit the interim calculation to the Department within 15 days after receiving the Department's request.

(n) Any person who submits a Notice of Intent to Use to the registry shall, after the use period, submit a Notice of Use, in accordance with N.J.A.C. 7:27-30.16, even if the person determines that no credits were used during the use period.

(o) If a permittee wants more flexibility, with respect to applicable permit limits, than is allowed under the "permit

insurance" provisions at N.J.A.C. 7:27-30.14(d) and (e), then the permittee may apply to the Department for approval of a 15-year plan for the permittee's facility, pursuant to N.J.S.A. 26:2C-9.2c(3).

Recodified from N.J.A.C. 7:27-30.11 and amended by R.2000 d.204, effective May 15, 2000 (operative June 6, 2000).

See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).

Rewrote the section. Former N.J.A.C. 7:27-30.12, DER use: computation of DERs, recodified to N.J.A.C. 7:27-30.13.

Administrative change.

See: 32 N.J.R. 3117(a).

7:27-30.13 VOC and NO_x credit use: computation of DER credits

(a) A user shall calculate the following in accordance with this section and a quantification protocol that satisfies the requirements of N.J.A.C. 7:27-30.24 and 30.25:

1. If the user is required to hold the full number of DER credits needed for compliance when a Notice of Intent to Use is submitted pursuant to N.J.A.C. 7:27-30.12(i)1, the number of credits that need to be held; and

2. The number of DER credits that were used during a use period.

(b) The number of DER credits that need to be held pursuant to N.J.A.C. 7:27-30.12(i)1 when a Notice of Intent to Use is submitted shall be determined as follows:

1. Determine the maximum quantity of excess VOC or NO_x emissions from the user source, expressed in pounds, that may occur during the use period. The maximum quantity of excess emissions shall be 100 percent of the increase in allowed emissions (above the permit limit in the current permit) of the equipment or control apparatus during the use period. This shall be determined in accordance with the following formula:

$$EE = (CR - PL) (T)$$

where:

EE = the maximum quantity of excess emissions which may be released during the use period, expressed in pounds of VOC or NO_x;

CR = the "ceiling rate," that is the maximum emission rate, specified by the user in the Notice of Intent to Use pursuant to N.J.A.C. 7:27-30.14(d)1ii, which is allowed during the use period, expressed in the same units as used above for the permit limit;

PL = the permit limit which is currently in effect. This limit establishes the rate which is (in the absence of the use of credits) the maximum allowable emission rate for the user source, expressed in emissions per unit time. If the limit in the permit is given in emissions per unit of time, the units used for this rate shall be the same as are used in the permit; otherwise, the limit in the permit shall be converted to and expressed as pounds per hour; and

T = the maximum amount of time within the use period which the equipment or control apparatus is allowed to operate under its currently effective permit, expressed in the same units for time as are used to express the permit limit and the ceiling rate;

2. If the use of VOC or NO_x credits for compliance may result in increased actual emissions of VOC or NO_x, respectively, from one or more emissions sources other than the user source, located at the facility or offsite, add the quantity of those potential VOC or NO_x emission increases to the quantity of emission increases established under (b)1 above; and

3. Convert the quantity of VOC or NO_x emission increases determined pursuant to (b)1 and 2 above to the number of DER credits that need to be held when a Notice of Intent to Use is submitted as follows:

i. Divide the quantity of emission increases calculated under (b)1 and 2 above, expressed in pounds, by 100;

ii. If the user will submit the complete Notice of Intent to Use late, increase the quantity calculated under (b)3i above for such lateness in accordance with N.J.A.C. 7:27-30.15(b);

iii. If the user fails to hold the full number of DER credits needed for compliance by the day the Notice of Intent to Use is submitted, increase the quantity calculated under (b)3i and ii above for such failure in accordance with N.J.A.C. 7:27-30.12(i)5;

iv. In order to ensure that the requirement to retire 10 percent of the total number of credits being used (or, if the use is a "permit insurance" use pursuant to N.J.A.C. 7:27-30.14(d) and (e), 20 percent of the total number of credits used) for the benefit of the environment pursuant to N.J.A.C. 7:27-30.12(h) is met, divide the result obtained under (b)3i through iii above by the following:

(1) If the use is a "permit insurance" use, by 0.8; and

(2) Otherwise, by 0.9; and

v. If the result obtained under (b)3iv above is a whole number, that is the number of DER credits that need to be held when a Notice of Intent to Use is submitted; otherwise round the result up to the next highest whole number to determine the number of DER credits that need to be held.

(c) The number of DER credits that were used during a use period shall be determined as follows:

1. For uses subject to N.J.A.C. 7:27-30.12(i)1, where the full number of credits needed for compliance is to be held when the Notice of Intent to Use is submitted, the number of credits shall be determined in accordance with (b) above;

2. Otherwise, the number shall be determined in accordance with (d) below.

(d) Pursuant to (c)2 above, the number of DER credits that were used during a use period shall be determined as follows:

1. Determine the quantity of emission increases which need to be compensated for with credits as follows:

i. For use of credits to meet emission offset requirements under N.J.A.C. 7:27-30.14(g), the quantity shall be an amount that is equal, in emissions value, to the emission offset requirement established in the permit pursuant to N.J.A.C. 7:27-18.3(d);

ii. For use of credits for a delay of testing under N.J.A.C. 7:27-30.14(a)5ii, where the permittee has not provided a waiver pursuant to N.J.A.C. 7:27-8.28(b) or 22.18(l), the quantity shall be 100 percent of the allowable emissions of the equipment and/or control apparatus during the calendar quarters identified pursuant to N.J.A.C. 7:27-30.14(a)5ii(1). This quantity shall be determined assuming that the emissions equal the maximum allowed under the permit and that the activity level and/or hours of operation are also the maximum allowed;

iii. For use of credits to compensate for excess NO_x emissions during a MEG alert pursuant to N.J.A.C. 7:27-30.14(b)1, the quantity shall be determined pursuant to N.J.A.C. 7:27-19.24(b) and (c); and

iv. Otherwise, the quantity shall be determined by calculating the difference between the user source's actual emissions and its baseline emissions, for each interval within the use period where this difference is positive and then summing these differences. The following formula describes the calculation:

$$\sum^I EI = 1$$

where:

EI = the emission increases which need to be compensated for with credits, expressed in pounds of VOC or NO_x;

I = The number of intervals within the use period, where an interval is an extent of time, within a use period, throughout which the user source's actual emissions exceed its baseline emissions. (In a case where actual emissions continuously exceed baseline emissions throughout the use period there shall be only one interval within the use period);

Actual Emissions = for a given interval, the quantity of emissions that the user source actually emitted during the interval, expressed in pounds of VOC or NO_x;

Baseline Emissions = for a given interval, the quantity of emissions determined in accordance with (e) below, expressed in pounds of VOC or NO_x;

2. If the use of VOC or NO_x DER credits resulted in increased actual emissions of VOC or NO_x, respectively, from one or more emissions sources other than the user source, located at the facility or offsite, add the quantity of those actual VOC or NO_x emission increases to the

quantity of emission increases established under (d)1 above; and

3. Convert the quantity of VOC or NO_x emission increases determined pursuant to (d)1 and 2 above to the number of DER credits needed for compliance as follows:

i. Divide the quantity of emission increases calculated under (d)1 and 2 above, expressed in pounds, by 100;

ii. If the user submitted a complete Notice of Intent to Use to the registry late, increase the quantity calculated under (d)3i above for such lateness in accordance with N.J.A.C. 7:27-30.15(b)3iii;

iii. If the user failed to hold the full number of DER credits needed for compliance by the day such holding is required pursuant to N.J.A.C. 7:27-30.12(i), for each day during the use period that the shortfall continued, triple the quantity calculated under (d)3i and ii above for such lateness in accordance with N.J.A.C. 7:27-30.12(i)3;

iv. In order to ensure that the requirement to retire 10 percent of the total number of credits used for the benefit of the environment pursuant to N.J.A.C. 7:27-30.12(h) is met, divide the result obtained under (d)3i, ii and iii above by 0.9; and

v. If the result obtained under (d)3iv above is a whole number, that is the number of DER credits needed for compliance; otherwise round the result up to the next highest whole number to determine the number of DER credits that were used during a use period.

(e) The quantity of baseline emissions shall be determined as follows:

1. Baseline emissions shall be zero for the additional hours of operation, if the use entails increasing the user source's hours of operation beyond the maximum hours of operation specified in a permit; and

2. Otherwise baseline emissions shall be the emissions that the user source would have emitted if:

i. The user source's emissions rate equals the lowest allowable emission rate applicable during the use period, minus a design margin; and

ii. The user source's activity level and hours of operation are the lower of the following:

(1) The design capacity of the emissions source; or

(2) If applicable, the maximum allowed under its permit.

(f) If part of the use period falls within the ozone season and part outside the ozone season, a user shall perform the calculations in (b) and (c) above separately for these two portions of the use period.

Administrative change.

See: 28 N.J.R. 4959(b).
 Recodified from N.J.A.C. 7:27-30.12 and amended by R.2000 d.204,
 effective May 15, 2000 (operative June 6, 2000).
 See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).
 Rewrote the section. Former N.J.A.C. 7:27-30.13, DER use: re-
 quired, authorized and prohibited uses, recodified to N.J.A.C.
 7:27-30.14.

**7:27-30.14—VOC and NO_x credit use: required, authorized
 and prohibited uses**

(a) The owner or operator of an emissions source shall use VOC or NO_x credits for compliance if such use is required under another provision of this chapter. Required uses of DER credits include:

1. Pursuant to N.J.A.C. 7:27-16.17(m), compensation for excess VOC emissions authorized under an alternative VOC control plan submitted to the Department for approval after August 2, 1996;

2. Pursuant to N.J.A.C. 7:27-19.13(i), compensation for excess NO_x emissions authorized under an alternative maximum allowable emission rate submitted to the Department for approval after August 2, 1996;

3. Pursuant to N.J.A.C. 7:27-19.23, compensation for any emissions attributable to the difference between the rate of NO_x emissions established as a limit which is to be attained under an innovative control technology plan approved pursuant to N.J.A.C. 7:27-19.23, and the actual rate of NO_x emissions after the date set pursuant to N.J.A.C. 7:27-19.23(c)2v on which the innovative control technology is required to be constructed and/or installed and full compliance attained;

4. Pursuant to N.J.A.C. 7:27-19.24(c), compensation for NO_x emissions from an electric generating unit during a MEG alert that exceed the applicable permit limit; and

5. Pursuant to N.J.A.C. 7:27-8.3(l) or 22.3(uu), compensation for a failure to perform timely testing of the VOC and/or NO_x emissions of equipment or control apparatus. If the testing delay is not approved by the Department, this compensation is in addition to any penalties which may apply. This paragraph shall apply in cases where testing, required by a date established pursuant to N.J.A.C. 7:27-8 or 22 and/or the applicable permit, or pursuant to a written request by the Department pursuant to N.J.A.C. 7:27-8.4(f) or 8.7(f), is not performed within 90 days after the established date. Determination of the amount of compensation shall be based on the following:

i. If the permittee has requested and obtained approval of the Department for a delay in testing pursuant to N.J.A.C. 7:27-8.28(a) or 22.18(k), if the permittee has waived its right to assert that its emissions during the period of delay were any different than the emissions measured by the test when performed (or, if applicable, the emissions calculated based on the measurements taken) pursuant to N.J.A.C. 7:27-8.28(b) or 22.18(l), and if the testing is performed on the original equipment or control apparatus (not on replacement or reconstructed equipment or control apparatus which is subsequently installed), the following apply:

(1) The permittee shall record the hours of operation of the equipment or control apparatus from the date the testing was originally required to be performed until the date the testing is completed, and shall make such records available to the Department upon request;

(2) The use period shall be determined as follows:

(A) If the emissions source is a new or modified source, the use period shall begin on the date the new or modified source commenced operating; otherwise, the use period shall begin on the date by which the testing was required to be performed;

(B) The use period shall end on the earlier of the following: the date that the testing is completed, or the date which is the last day of the one year period which begins the first day of the use period;

(3) The determination of the source's actual emissions shall be based on the result obtained from the testing, whenever the testing is completed; and

(4) The compensation shall be for emissions in excess of the applicable permit limit, and the quantity of emission increases which need to be compensated for with credits shall be calculated pursuant to N.J.A.C. 7:27-30.13(d)iv;

ii. Otherwise, the following apply:

(1) The permittee shall determine which calendar quarters fall, in whole or in part, in the period defined as follows:

(A) The first calendar quarter is the calendar quarter which includes the date that is 90 days after the day by which the testing was required to be performed; and

(B) The last calendar quarter is the calendar quarter which includes the earlier of the following: the date that the testing is completed or the date that is one year and 90 days after the day by which the testing was required to be performed;

(2) The initial use period shall begin on the first day of the calendar quarter determined pursuant to (a)5ii(1)(A) above. The final use period shall end on the last day of the calendar quarter determined pursuant to (a)5ii(2)(A) above. If the total number of calendar quarters is four or less, the calendar quarters may be combined into a single use period; and

(3) The compensation shall be for the source's allowable emissions, in full, for all of the quarters determined pursuant to (a)5ii(1) above, and the quantity of emission increases which need to be compensated for with credits shall be calculated pursuant to N.J.A.C. 7:27-30.13(d)ii; but

iii. Notwithstanding (a)5i and ii above, no compensation is required if the delay is at the request of the Department; and

6. Pursuant to N.J.A.C. 7:27-8.3(l) or 22.3(uu), in addition to any penalties which may apply, compensation for an exceedance of a VOC or NO_x permit limit which results from operation of equipment, if the permittee has failed to install or operate a control apparatus required by a permit, or if the control apparatus serving the equipment has broken down or is dysfunctional.

(b) A person may use DER credits, which have been verified in accordance with N.J.A.C. 7:27-30.10, in full or partial settlement of a monetary penalty pursuant to N.J.A.C. 7:27A-3.10(i).

(c) A person may use VOC or NO_x credits to comply with an emission limit established under this chapter, unless the use is prohibited by Federal or State law or is prohibited pursuant to (g) or (h) below. Examples of authorized uses include:

1. Compliance with an applicable VOC control requirement under N.J.A.C. 7:27-16;

2. Compliance with an applicable NO_x control requirement under N.J.A.C. 7:27-19;

3. Compliance with a VOC content requirement for an architectural coating or for a consumer or commercial product pursuant to N.J.A.C. 7:27-23 or 24; however, use of DER credits does not relieve a person from responsibility for complying with the Federal architectural coating requirements at 40 CFR Part 59, Subpart D;

4. Compliance with any VOC or NO_x emissions limit established in a rule which becomes operative on or after August 2, 1996, unless the use of DER credits for such purpose is expressly prohibited;

5. Compliance with emission offset requirements under N.J.A.C. 7:27-18, in accordance with (g) below; and

6. For municipal waste combustors subject to 40 CFR Part 60, Subpart Cb, compliance with the NO_x requirements established pursuant to that subpart. (This does not apply however to a Standard of Performance for New Stationary Sources (commonly referred to as a New Source Performance Standard or NSPS) established under 42 U.S.C. § 7411.)

(d) Notwithstanding any provision of N.J.A.C. 7:27-8 or 22 to the contrary, a permittee may use VOC or NO_x credits for "permit insurance" to comply, respectively, with a VOC or NO_x emissions limit in a permit. However, no permittee may implement a permit insurance use, unless the use belongs to one of the classes of "permit insurance" uses listed in (e) below and the following conditions are met:

1. In the Notice of Intent to Use, in addition to meeting the requirements for such a notice at N.J.A.C. 7:27-30.15, the user shall include the following:

i. Specify the length of the use period to be one, two, three, or four calendar quarters;

ii. Specify the maximum VOC or NO_x emission rate (that is, the "ceiling rate") for the user source during the use period, given in emissions per unit time. This rate shall be an enforceable limit which may not be exceeded during the use period. For a Class 2 permit insurance use as described at (e)2 below, the ceiling rate shall not exceed the corresponding permit limit proposed in the pending permit application; and

iii. Include the statements required pursuant to N.J.A.C. 7:27-30.15(d)13;

2. The Notice of Intent to Use is submitted as seven-day-notice, in accordance with N.J.A.C. 7:27-30.19(g);

3. More than one "permit insurance" use may be implemented concurrently at a facility; however, the resulting increase at the facility in actual emissions shall not exceed five tons of VOC or 10 tons of NO_x for all "permit insurance" uses combined, as determined for any 12 month period;

4. The duration of a permit insurance use shall be limited to a maximum of one year unless:

i. One of the following apply:

(1) The permittee has obtained a permit modification or revision which addresses the original reason permit insurance was needed, and the subsequent use goes beyond the original purpose (that is, entails a higher ceiling rate, a higher activity level, or more hours of operation); or

(2) The subsequent use is for a different purpose; or

ii. The maximum emission rate (that is, the "ceiling rate") specified in the Notice of Intent to Use pursuant to (d)1ii above for the subsequent use is less than the rate at which an exceedance of the lowest allowable rate of emissions of VOC and/or NO_x, as applicable, for the equipment or control apparatus would be defined as a high priority violation, pursuant to EPA's "Timely and Appropriate (T & A) Enforcement Response to High Priority Violations (HPVs)" guidance document;

5. The number of DER credits used for compliance is the number of credits that is required to be held when the Notice of Intent to Use is submitted. This is the number determined pursuant to N.J.A.C. 7:27-30.13(b);

6. The use will not result in:

i. Emissions of an air contaminant not authorized to be emitted under the existing (approved) permit; and

ii. Actual emissions of any air contaminant, other than the air contaminant (VOC or NO_x) emissions which is being compensated for with credits, at a level which exceeds a limit in the permit for that air contaminant; and

7. The use is not one of the uses prohibited pursuant to (h) or (i) below.

(e) The classes of "permit insurance" uses are as follows:

1. A Class 1 "permit insurance" use applies in cases where actual emissions from existing equipment or control apparatus may exceed a permit limit due to a change in operation, including, but not limited to, the use of a new raw material or the increase in the source's activity level. A use shall belong to this class only if:

i. The permittee has not made any physical change to the equipment or control apparatus for which a permit modification or revision is required; and

ii. One of the following apply at the time the Notice of Intent to Use is submitted:

(1) The permittee has not submitted a permit application to the Department for the change in operation; or

(2) The permittee has submitted a permit application for the change in operation, but the Department has not yet acted upon (approved or disapproved) the application; and

2. A Class 2 "permit insurance" use applies in cases where a permittee has submitted a permit application for a physical change to existing equipment or control apparatus and has constructed and/or installed the change, but the Department has not yet approved or disapproved the application; therefore, any new emissions limit sought in the permit application has not yet received Department approval. Class 2 "permit insurance" allows a permittee to operate the equipment or control apparatus in accordance with changes in the permit application prior to the Department issuing the revised permit. A user may use Class 2 "permit insurance" only if the user understands and agrees that if during the use period the user source's actual VOC and/or NO_x emission rate exceeds the limit included in the revised permit, as eventually approved by the Department, the permittee shall be considered to have violated the limit and may be subject to penalties under N.J.A.C. 7:27A-3

(f) A person may use VOC or NO_x credits to comply with the emission offset requirements of N.J.A.C. 7:27-18. However, no person shall use credits to meet emission offset requirements unless all of the following requirements are satisfied:

1. The generation and use of the DER credits meets all applicable requirements of 42 U.S.C. § 7503, 40 CFR 51.165(a), N.J.A.C. 7:27-18, and this subchapter, except as follows:

i. The permittee is not required to include in the emission offset demonstration submitted with the permit application a representation that the emission reductions on which the DER credits are based are permanent, notwithstanding N.J.A.C. 7:27-18.3(e);

ii. The permittee is not required to hold the DER credits prior to using them, notwithstanding N.J.A.C. 7:27-30.12(i);

iii. The permittee is not required to have the DER credits verified prior to using them, notwithstanding N.J.A.C. 7:27-30.12(c); and

iv. The permittee is not required to submit a complete Notice of Use within 30 days after the end of each use period, notwithstanding N.J.A.C. 7:27-30.16(a);

2. The use is proposed in the permit application submitted pursuant to N.J.A.C. 7:27-18 and 22, and in addition to meeting the requirements at N.J.A.C. 7:27-18(e), the permit application shall include the following:

i. A draft initial Notice of Intent to Use is included in the permit application, which includes the quantification protocols both for the generation of the DER credits proposed to be used and for the proposed use; and

ii. A demonstration that the permit applicant will be able, by relying on a series of consecutive temporary reductions, to obtain sufficient DER credits to satisfy the need for credits for the shorter of the following periods:

(1) The period that the user proposes to use DER credits to meet emission offset requirements; or

(2) The period that extends until the applicable primary standard attainment date established under 42 U.S.C. § 7511(a); and

3. In the permit issued pursuant to N.J.A.C. 7:27-22 and 18, the Department has approved the use of DER credits to comply with the emission offset requirements, and the approved permit includes the following as enforceable conditions:

i. The DER credits shall be generated during the use period in which they are used;

ii. Each year, the permittee shall submit a Notice of Intent to Use prior to the beginning of the use period, in accordance with N.J.A.C. 7:27-30.15. The notice shall include a legally binding commitment from one or more DER credit generators to generate the DER credits needed by the permittee for the upcoming use period and to transfer those DER credits to the user prior to the date the user's Notice of Use is due;

iii. The permittee shall continue to submit such a Notice of Intent to Use pursuant to (g)3 above for the shortest of the following periods:

(1) The life of the equipment;

(2) Until credits which meet the standards for creditable emission reductions at N.J.A.C. 7:27-18.5 are secured for use as emission offsets; or

(3) Until emission offset requirements no longer apply to the equipment;

iv. The permittee shall submit each Notice of Intent to Use in accordance with N.J.A.C. 7:27-30.19;

v. For each use period, the permittee shall submit a complete Notice of Use no later than 120 days after the last day of the use period; and

vi. The permittee shall hold the DER credits needed for compliance and ensure that they are verified prior to the submission of the Notice of Use.

(g) The owner or operator of an emissions source shall not use VOC or NO_x credits for any of the following purposes:

1. To avoid the applicability of:

i. The Federal requirements for review of new sources and modifications at 40 CFR 51, Subpart I, and/or the State emission offset requirements at N.J.A.C. 7:27-18;

ii. The Federal prevention of significant deterioration requirements at 40 CFR 52.21; or

iii. The Federal operating permit requirements at 40 CFR 70.

2. To comply with new source performance standards (NSPS) under 42 U.S.C. § 7411, lowest achievable emission rate (LAER) standards under 42 U.S.C. § 7503(a)(2), best available control technology (BACT) standards under 42 U.S.C. § 7475(a)(4), standards for hazardous air pollutants (HAPs) under 42 U.S.C. § 7412, standards for solid waste combustion under 42 U.S.C. § 7429 (except for a municipal waste combustor subject to 40 CFR 60, Subpart Cb, using DER credits for compliance with NO_x requirements pursuant to (b)6 above), acid deposition control requirements under 42 U.S.C. § 7651 through 7651o, or requirements under N.J.A.C. 7:27-8.12 for documentation of state of the art (SOTA) or under N.J.A.C. 7:27-22.35 for incorporation of advances in the art of air pollution control;

3. To comply with requirements for a vehicle inspection and maintenance program mandated under 42 U.S.C. § 7511a(b)(4) or (c)(3), or for clean fueled fleets mandated under 42 U.S.C. § 7511a(c)(4)(B) or 7586;

4. To comply with motor vehicle emissions standards under 42 U.S.C. § 7521, the standards for nonroad vehi-

cles under 42 U.S.C. § 7547, or the motor vehicle emissions standards at N.J.A.C. 7:27-14, 15 and 26;

5. To comply with requirements for reformulated gasoline under 42 U.S.C. § 7545(k), or for Reid vapor pressure under 42 U.S.C. § 7545(h) and (i) and N.J.A.C. 7:27-25;

6. To comply with ozone control standards set under 42 U.S.C. § 7511b, except for NO_x RACT or VOC RACT requirements set forth at N.J.A.C. 7:27-16 or 19;

7. To comply with the State prohibition of air pollution at N.J.A.C. 7:27-5 or with the similar requirements at N.J.A.C. 7:27-8.3(j) and at N.J.A.C. 7:27-22.16(g)8; or

8. To avoid having the facility becoming a "major facility," as defined at N.J.A.C. 7:27-22.1.

(h) A use of DER credits is prohibited if it may result in any of the following:

1. An increase in emissions (from the emissions source or from any other source at the facility or off-site) of any HAP from a level which exceeds the applicable SOTA Threshold set forth in Table A or Table B at N.J.A.C. 7:27-8, Appendix 1, to a higher level. This SOTA Threshold level is the de minimis level designated for that HAP by the EPA pursuant to 42 U.S.C. § 7412(g). The de minimis levels are as currently set forth in a proposed rule at 59 F.R. 15504 (April 1, 1994). If the EPA adopts a final rule or publishes a new proposed rule to designate the de minimis levels, the Department will revise this paragraph through an administrative correction pursuant to N.J.A.C. 1:30-2.7;

2. An increase in the source's emissions of a HAP from a level below the applicable SOTA Threshold set forth in Table A or Table B at N.J.A.C. 7:27-8, Appendix 1, to a level above the threshold; or

3. An increase in emissions of any air contaminant which would cause an exceedance of an applicable limit, including a permit limit, except under the terms set forth for such increases at N.J.A.C. 7:27-30.14(a)3 and 4, (b), (c)6 and (d).

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 (d), changed N.J.A.C. reference in 2, and deleted a reference to N.J.A.C. 7:27-8.8(f) in 7.

Recodified from N.J.A.C. 7:27-30.13 and amended by R.2000 d.204, effective May 15, 2000 (operative June 6, 2000).

See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).

Rewrote the section. Former N.J.A.C. 7:27-30.14, DER use: Notice of Intent to Use DERs, recodified to N.J.A.C. 7:27-30.15.

7:27-30.15 VOC and NO_x credit use: Notice of Intent to Use

(a) On and after June 6, 2000, a user shall submit a Notice of Intent to Use in accordance with this section, the general notice requirements at N.J.A.C. 7:27-30.18, and the requirements for submission of notices at N.J.A.C.

7:27-30.19. A Notice of Intent to Use submitted prior to June 6, 2000 shall conform with the applicable requirements promulgated on August 5, 1996, at 28 N.J.R. 3786(b).

(b) A complete Notice of Intent to Use or amendment is due to the registry 30 days before the first day of the use period. If the registry receives the complete notice late, then the number of DER credits needed for the use shall be increased as follows:

1. Determine the dates which fall within the 30-day period following the date the complete notice is received by the registry;

2. Pursuant to N.J.A.C. 7:27-30.13, determine the number of credits needed to compensate for the emissions which were emitted on the dates within the use period which also fall within the 30-day period; and

3. Multiply this number of credits by 1.5 to determine the total number of credits that, given the lateness of the submission, is required to be used for those dates.

(c) Generally, a Notice of Intent to Use shall apply to a single emissions source. However, a single Notice of Intent to Use may apply to any of the following groups of sources, if the use is for compliance with a common regulatory requirement:

1. All emissions sources owned by a single person and subject to an averaging plan approved by the Department pursuant to N.J.A.C. 7:27-19.6;

2. A specified group of more than one stationary sources of the same type located at a single facility;

3. Units of a product manufactured by a single person (including a motor vehicle fuel) during their storage, distribution, and/or use; or

4. A fleet of motor vehicles.

(d) A Notice of Intent to Use shall include the following:

1. The name and address of the user, the user's type of business (for example, electric utility or architectural coating manufacturer), and other pertinent identifying information including the name and telephone number of a contact person;

2. For the user source(s), the identifying information specified at N.J.A.C. 7:27-30.18(d);

3. The requirements in the law, regulation, permit, or order with which the user intends to comply through the use of DER credits, together with an explanation as to why the user is using credits to comply with these requirements (such as, because it is a cost-effective alternative to installing new control apparatus, or because control apparatus required by a permit has not yet been installed);

4. The month, day, and year of the first and last dates of the use period;

5. The following quantification protocol (or, if a protocol approved by EPA or the Department shall be used, citation of the protocol):

- i. If the use is one where the full number of DER credits needed for compliance is required to be held when a Notice of Intent to Use is submitted pursuant to N.J.A.C. 7:27-30.12(i)1, the protocol used to calculate the number of DER credits that need to be held; or

- ii. Otherwise, the protocol that will be used in the Notice of Use to calculate the number of DER credits used;

6. If the use is one where the full number of DER credits needed for compliance is required to be held when a Notice of Intent to Use is submitted pursuant to N.J.A.C. 7:27-30.12(i)1, the following:

- i. The maximum quantity of excess emissions calculated pursuant to N.J.A.C. 7:27-30.13(b)1, both for the ozone season and for the use period as a whole;

- ii. The number of VOC credits or NO_x credits to be needed for the use calculated pursuant to N.J.A.C. 7:27-30.13(b); and the number of VOC credits or NO_x credits held for the use, with the number for the ozone season and for the use period as a whole given separately; and

- iii. For each DER credit held for the use, its serial number, the location where the DER credit was generated, and a statement as to whether the credit was generated during the ozone season or outside the ozone season, with the DER credits of each type (VOC or NO_x) generated during the ozone season and outside the ozone season listed separately; and

- iv. All supporting documentation required to be submitted with the Notice of Intent to Use pursuant to the quantification protocol specified pursuant to (d)5i above (the documentation shall, at a minimum, conform with N.J.A.C. 7:27-30.25);

7. If the use is one where the full number of DER credits needed for compliance is not required to be held when a Notice of Intent to Use is submitted pursuant to N.J.A.C. 7:27-30.12(i)1, an estimate of the maximum number of DER credits that will be used during the use period;

8. If the use of DER credits may reasonably be expected to result in an increase, de minimis or otherwise, in the actual emissions of any HAP, either at the facility or off-site, the name of the HAP specie(s) that may have increased emissions and the maximum amount of the increase, together with specification as to whether the increase is expected from the user source, from other source(s) at the facility, and/or from source(s) off-site;

9. If the use is one of the "permit insurance" uses listed at N.J.A.C. 7:27-30.14(e), the items required pursuant to N.J.A.C. 7:27-30.14(d)1;