"Rated power output" means the maximum electrical or equivalent mechanical power output stated on the nameplate affixed to an engine or the International Standard Organization (ISO) rated electrical or equivalent mechanical power stated on the nameplate affixed to a turbine by the manufacturer.

"Rate of production" means the quantity per unit time of any process intermediate, product, by-product, or waste generated through the use of any equipment, source operation, or a process.

"Raw material" means any input to equipment, control apparatus, or a process, including fuels, but excluding heat and other forms of energy. Such inputs may include mixtures, composites, compounds and elemental substances.

"Reconfiguration" means a change in the setup of equipment or control apparatus, or both, to an alternate configuration. This term also includes reorientation or reconnection into an alternate pattern of equipment or control apparatus, or both. This term does not include a change in the location of equipment or control apparatus from that specified in the preconstruction permit.

"Reconstruct" or "reconstruction" means the replacement of part(s) of equipment included in a process unit, or the replacement of part(s) of control apparatus, if the fixed capital cost of replacing the part(s) exceeds both of the following amounts:

1. Fifty percent of the fixed capital cost that would be required to construct a comparable new process unit; or, if it is part(s) of control apparatus that is being replaced, 50 percent of the fixed capital cost that would be required to construct comparable new control apparatus; and

2. $80,000, in 1995 dollars, adjusted by the Consumer Price Index (CPI).

"Registrant" means a person who submits a registration form.

"Registration" means the process of registering with the Department on a registration form, the following:

1. One or more sources under a general permit, in accordance with N.J.A.C. 7:27-8.8; or

2. One or more used oil space heaters that burn on-specification used oil whose total combined gross heat input does not exceed 500,000 British Thermal Units per hour, in accordance with N.J.A.C. 7:27-20.3(a).

"Registration form" means the online or paper form the Department requires a registrant to submit for registration.

"Renewal" means the process of renewing an operating certificate or a registration.

"Renewal application stub" means the part of the renewal invoice that a permittee or registrant detaches and submits with the renewal fee payment to renew an operating certificate or a registration.

"Repair or maintenance" means upkeep of existing equipment or control apparatus, including the replacement of parts, but does not include the reconstruction of equipment or control apparatus.

"Research" means investigations directed toward the discovery of facts, scientific principles, reactions, or substances.

"Risk assessment" means a procedure for characterizing the probability that potential exposure to air contaminants will result in adverse effects on human health, or welfare or the environment.

"Sampling" means the selective collection of a quantity of raw materials, process intermediates, products, by-products or wastes.

"Sanitary landfill" means a solid waste facility, at which solid waste is deposited on or into the land as fill for the purpose of permanent disposal or storage for a period of time exceeding six months, except that it does not include any waste facility approved for disposal of hazardous waste.

"Seven-day-notice change" means a change made to a permit and certificate under N.J.A.C. 7:27-8.20, Seven-day-notice changes.

"Significant net emission increase" means an emission increase of any air contaminant determined pursuant to the procedures set forth in N.J.A.C. 7:27-18.7 to be a significant net emission increase.

"Significant source operation" or "significant source" means a source that is classified as a significant source pursuant to N.J.A.C. 7:27-8.2(c) and that is not exempted from being a significant source pursuant to N.J.A.C. 7:27-8.2(d) or (e).

"Solid particles" means particles of rigid shape and definite volume.

"Solid waste facility" means any system, site, equipment, or building which is utilized for the storage, collection, processing, transfer, transportation, separation, recycling, recovery, or disposal of solid waste.

"Source emission testing" means the testing of a discharge of any air contaminant from equipment, control apparatus or source operation through any stack or chimney.

"Source operation" or "source" means any process, or any identifiable part thereof, that emits or can reasonably be anticipated to emit any air contaminant either directly or indirectly into the outdoor atmosphere. A source operation may include one or more pieces of equipment or control apparatus.

"Space heater" is as defined at N.J.A.C. 7:27-20.1.

"Stack or chimney" means a flue, conduit or opening designed, constructed, or utilized for the purpose of emitting any air contaminant into the outdoor atmosphere.

"Standard conditions" means 70 degrees Fahrenheit (21.1 degrees centigrade) and one atmosphere pressure (14.7 pounds per square inch absolute or 760.0 millimeters of mercury).

"State implementation plan" or "SIP" means a plan or portion thereof, prepared by a state and approved by the EPA pursuant to 42 U.S.C. § 7410, which includes enforceable emission limitations or other control measures, means or techniques, and provides for implementation, maintenance, and enforcement of one or more NAAQS.

"Stationary storage tank" means any immobile storage tank. This term also includes any delivery vessel, excluding a sealed vessel, such as a railroad tank car or similar container, used for storing VOC remaining on site at a facility for more than 30 days.

"Storage tank" means any tank, reservoir, or vessel which is a container for liquids or gases, wherein:

1. No manufacturing process, or part thereof, other than filling or emptying takes place; and

2. The only treatment carried out is that necessary to prevent change from occurring in the physical condition or the chemical properties of the liquids or gases deposited into the container. Such treatment may include recirculating, agitating, maintaining the temperature of the stored liquids or gases, or replacing air in the vapor space above the stored liquids or gases with an inert gas in order to inhibit the occurrence of chemical reaction.

"Stratospheric ozone depleting substance" means any Class I substance or any Class II substance.

"Surface cleaner" means a device to remove unwanted foreign matter from the surfaces of materials by using VOC or HAP solvents in liquid or vapor state.

"Surface coating operation" means the application of one or more surface coating formulations uniformly across a surface, using one or more coating applicators, together with any associated drying or curing areas. A single surface coating eration ends after drying or curing and before other surface coating formulations are applied. For any web coating line, this term means an entire coating application system, including any associated drying ovens or areas between the supply roll and take-up roll, that is used to apply surface coating formulations onto a continuous strip or web. This term does not include any graphic arts operation.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

"Surface stripping" means the removal of paints and other coatings from the surface of materials.

"Technology Acceptance and Reciprocity Partnership" or "TARP" means a workgroup of the Environmental Council of States (ECOS). The workgroup was formed to promote the reciprocal evaluation, acceptance, and approval of innovative environmental technologies.

"Temporary facility" means a facility which, by design, is intended to be operated at more than one location and which is relocated more than once in five years.

"Temporary operating certificate" means an operating certificate with a term shorter than five years, issued under N.J.A.C. 7:27-8.7(d).

"Testing" means a procedure for the determination of the kind and amount of one or more air contaminants, potential air contaminants or air contaminant precursors present. This term includes, but is not limited to, sampling, sample custody, analysis, and reporting of findings.

"Test run" or "run" means a single integrated measurement or procedure used for the purpose of collecting a sample of any air contaminant emitted during a specified time interval.

"Total fixed capital cost" means the total sum, in dollars, paid to purchase and install equipment or control apparatus, including any design costs incurred. This term does not include any costs of operation or startup. This term also does not include the costs of dismantling any equipment or control apparatus being replaced, site preparation, placement of any footings or foundation upon which the structural elements of the equipment or control apparatus rest. This term also does not include any charges for legal services, governmental taxes or fees, or any patent or licensing costs.

"Total suspended particulate matter" or "TSP" means any air contaminant dispersed in the outdoor atmosphere which exists as solid particles or liquid particles at standard conditions and is measured in accordance with N.J.A.C. 7:27B-1; 40 CFR 60, Appendix A, Methods 5 through 5H; or another method approved by the Department and EPA.

"Use" means to engage in any form or manner of operation of equipment or control apparatus subsequent to the installation of such equipment or control apparatus. This term includes any trial operation.

"Used oil" is as defined at N.J.A.C. 7:27-20.1.

"Volatile organic compound" or "VOC" means any compound of carbon (other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate) which participates in atmospheric pho-

(n) The owner or operator of any surface coating operation, or graphic arts operation, which is subject to this section and which uses one or more surface coating formulations which do not conform with the applicable VOC content limit set forth in Table 7A, 7B, 7C, or 7D, shall maintain the following records:

1. For each surface coating formulation including each change of diluent or concentration of diluent as applied, record the following:

i. The number of hours each surface coating formulation was applied and the date;

ii. The volume of each surface coating formulation applied;

iii. The density of each surface coating formulation;

iv. The density of the VOC in each surface coating formulation;

v. The percent by weight of VOC in each surface coating formulation;

vi. The percent by weight of any exempt organic substance in each surface coating formulation;

vii. The percent by weight of any water in each surface coating formulation;

2. For any surface coating operation that has a thermal oxidizer used to control the emission of VOC, record on a continuous basis or at a frequency approved in writing by the Department the operating temperature at the exit of the combustion chamber and the carbon monoxide concentration in the flue gas emitted to the outdoor atmosphere;

3. For any surface coating operation that has a control apparatus using carbon or other adsorptive material to control the emission of VOC:

i. Record on a continuous basis or at a frequency approved in writing by the Department the concentration of the total VOC in the flue gas emitted to the outdoor atmosphere; or

ii. Record the date and time the carbon or other adsorptive material used in the control apparatus is regenerated or replaced; and maintain any other information required to document whether the control apparatus is being used and maintained in accordance with the manufacturer's recommended procedures. The manufacturer's recommendations for use and maintenance are to be readily available on the operating premises, and the person responsible for the surface coating operation shall provide these to the Department upon request; and

4. Upon the request of the Department and at the frequency specified by the Department, record any other operation parameter relevant to the prevention or control of air contaminant emissions from the surface coating operation or control apparatus.

(o) The method(s) to be used to determine the composition of a surface coating formulation as required by (m) or (n) above may include utilization of standard formulation sheets, material safety data sheets, the results of analytical tests, or other methods approved in advance and provided that the required information can be readily extracted from the documents.

(p) Notwithstanding the provisions of (h)1, 2, or 3 above, the owner or operator of any rotogravure printing operation, gravure (sheet-fed) printing operation, flexographic printing operation, or fabric printing operation, subject to this section pursuant to (a)1 above, may continue to use a control apparatus which was installed and continues to be operated in compliance with a permit issued by the Department for the printing operation prior to July 26, 1994 so long as the control apparatus has not been altered or replaced since the date of approval of the current permit. If and when the control apparatus is altered or replaced, the new or altered control apparatus shall, at a minimum, meet the requirements set forth in (h)1, 2, or 3 above.

(q) After receipt of a written request from an owner or operator for an extension of the deadline set forth in (k)1 above, the Department may authorize a 60-day renewable extension upon showing of good cause. Such extension may be renewed by the Department upon the written request of the owner or operator. Approval of such an extension shall not constitute approval of extension of the May 31, 1995 deadline established in (k)2 above. Written requests for the extension of a deadline submitted pursuant to this subsection shall be addressed to:

Assistant Director, Air and Environmental Quality Enforcement
Division of Enforcement Field Operations
Department of Environmental Protection
PO Box 422
401 East State Street, 4th Floor
Trenton, New Jersey 08625-0422

Amended by R.1986 d.379, effective September 22, 1986 (operative October 18, 1986).
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(a).
Substantially amended.
Amended by R.1989 d.331, effective June 19, 1989 (operative July 24, 1989).
See: 20 N.J.R. 3052(a), 21 N.J.R. 1669(b).
At (c) established differing rates for prior to and after June 15, 1990 and at (i) established deadlines of July 1, 1989 and at (i)3. reduced period from 12 to 6 months.
Petition for rulemaking. See: 22 N.J.R. 862(a).
Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992); (l), (m)1. (operative October 1, 1992); (m)2.-4. (operative April 1, 1993).
See: 23 N.J.R. 1858(b), 23 N.J.R. 2119(a), 24 N.J.R. 792(a).
Addressed EPA-identified deficiencies; added recordkeeping requirements; specified method for averaging surface coating formulations; specify method to be used to determine the required efficiency control apparatus serving surface coating operations; require nationally consistent standards; specify methods for achieving acceptable verification of transfer efficiency.
Administrative correction to (a)2, 3ii, 4 and (k)2.
See: 24 N.J.R. 1889(a).

Recodified from 7:27-16.5 and amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
Prior text at section, "Cutback and emulsified asphalts", recodified as 7:27-16.19.
Administrative Correction.
See: 26 N.J.R. 4793(a).
Amended by R.2003 d.244, effective June 2, 2003 (operative June 29, 2003).
See: 34 N.J.R. 2489(a), 35 N.J.R. 2509(a).
Rewrote (a); in Table 7A, substituted "or" for "and" and inserted "at original equipment manufacturing facilities" following "operations" in the title; in Table 7B, inserted "Coating of" preceding "Miscellaneous Metal Parts and Products", "Flat Wood Paneling" and "Wood Furniture" and substituted "Pipe Coating" for "Coatings" preceding "for Metal and Concrete Pipe"; in (*l*)4, substituted "stationary" for "assembled" preceding "structures" and added the second sentence.

Case Notes

Evidence supported finding that refinishers could comply with regulations limiting Volatile Organic Substances (VOS). Matter of Adoption of Amendments to N.J.A.C. 7:27-16, 244 N.J.Super. 334, 582 A.2d 824 (A.D.1990).

Evidence supported regulation limiting Volatile Organic Substances (VOS) content. Matter of Adoption of Amendments to N.J.A.C. 7:27-16, 244 N.J.Super. 334, 582 A.2d 824 (A.D.1990).

Department of Environmental Protection was not required to promulgate spot repair regulations to permit higher Volatile Organic Substances (VOS). Matter of Adoption of Amendments to N.J.A.C. 7:27-16, 244 N.J.Super. 334, 582 A.2d 824 (A.D.1990).

Erroneous estimation of beneficial impact of regulations did not invalidate regulations. Matter of Adoption of Amendments to N.J.A.C. 7:27-16, 244 N.J.Super. 334, 582 A.2d 824 (A.D.1990).

Volatile Organic Substance (VOS) regulations were not unreasonable for not applying to smaller shops. Matter of Adoption of Amendments to N.J.A.C. 7:27-16, 244 N.J.Super. 334, 582 A.2d 824 (A.D.1990).

Record established that auto body painting business violated both permit and air pollution regulations when paint fumes escaped from certified spray paint booths; $17,500 penalty assessed. Division of Environmental Quality v. Prestige Auto Body, 92 N.J.A.R.2d (EPE) 178.

7:27-16.8 Boilers

(a) The provisions of this section apply to any boiler which is subject to the provisions of N.J.A.C. 7:27-19.

(b) The owner or operator of any boiler serving an electric generating unit, regardless of size, or any industrial/commercial/institutional boiler with a maximum gross heat input rate of at least 50 million BTU per hour or greater shall:

1. Cause it to emit VOC in concentrations that do not exceed 50 ppmvd at seven percent oxygen;

2. Cause it to emit CO in concentrations that do not exceed 100 ppmvd at seven percent oxygen; and

3. Adjust its combustion process in accordance with the procedure set forth at N.J.A.C. 7:27-19.16 and the following schedule:

i. For any boiler serving an electric generating unit, regardless of size, by May 1 of each calendar year, except the adjustment may occur within seven days of the first period of operation after May 1, if the boiler has not operated between January 1 and May 1 of that year; or

ii. For any industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 50 million BTU per hour or greater:

(1) If not located at a major NO_x facility, in the same quarter of each calendar year beginning in 2007; or

(2) If located at a major NO_x facility, or required by this section prior to November 7, 2005 to adjust the combustion process, in the same quarter of each calendar year.

(c) The owner or operator of any industrial/comercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate at least five million BTU per hour, but less than 50 million BTU per hour, shall adjust the combustion process annually in accordance with the procedure set forth at N.J.A.C. 7:27-19.16 and the following schedule:

1. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least five million BTU per hour, but less than 10 million BTU per hour, whether or not located at a major NO_x facility, in the same quarter of each calendar year, beginning in 2010; and

2. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 10 million BTU per hour, but less than 20 million BTU per hour, whether or not located at a major NO_x facility, in the same quarter of each calendar year, beginning in 2008; or

3. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 20 million BTU per hour, but less than 50 million BTU per hour:

i. If not located at a major NO_x facility, in the same quarter of each calendar year beginning in 2007; or

ii. If located at a major NO_x facility, or required by this section prior to November 7, 2005 to adjust the combustion process, in the same quarter of each calendar year.

(d) Except as set forth in (b)3ii(1), (c)1 and 2, and (c)3i above, any owner or operator of a boiler subject to this section shall achieve compliance with (b) above by May 31, 1995, and maintain compliance with this subsection thereafter.

(e) The owner or operator of any boiler serving:

1. An electric generating unit or industrial/commercial/institutional boiler subject to this section, except as set forth in (b)3ii(1), (c)1 and 2, and (c)3i above, shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 before May 31, 1996; and

2. An industrial/commercial/institutional boiler subject to (b)3ii(1) above, shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 on or before March 7, 2008.

(f) The owner or operator of any boiler serving an electric generating unit subject to this section shall install a continuous emissions monitoring system for CO in accordance with the procedures set forth at N.J.A.C. 7:27-19.18 before May 31, 1995.

(g) The owner or operator of any industrial/comercial/institutional boiler with a maximum gross heat input rate of greater than 250 million BTU per hour shall install a continuous monitoring system for CO in accordance with the procedures set forth at N.J.A.C. 7:27-19.18 before May 31, 1995.

(h) Any source conducting emissions tests for VOC in accordance with this subsection shall do so using the New Jersey Air Test Method 3 (N.J.A.C. 7:27B-3) or any equivalent method approved in advance by the Department and acceptable to EPA.

(i) Any source conducting emissions monitoring for CO to determine compliance with this section shall do so using the method set forth at 40 CFR 60, Appendix B, Performance Specification Test No. 2, and 40 CFR 60, Appendix F, Quality Assurance Requirements, including any amendments or supplements thereto, incorporated herein by reference, or any equivalent method approved in advance by the Department and acceptable to EPA.

(j) Any source conducting emissions tests for CO to determine compliance with this section shall do so using the method set forth at 40 CFR 60, Appendix A, Reference Method 10, including any amendments or supplements thereto, incorporated herein by reference, or any equivalent method approved in advance by the Department and acceptable to EPA.

(k) Any owner or operator submitting a Repowering Plan for a combustion source pursuant to N.J.A.C. 7:27-19 may submit facility-specific CO and VOC limits as an alternative to those specified in this section as part of the facility's proposed Repowering Plan.

New Rule, R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).

Prior text at section, "Petroleum solvent dry cleaning operations", recodified as 7:27-16.20.
Amended by R.1995 d.255, effective May 15, 1995 (operative June 19, 1995).
See: 26 N.J.R. 4478(a), 27 N.J.R. 1979(b).
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
Rewrote (b), (c), and (e) through (g).

7:27-16.9 Stationary combustion turbines

(a) The provisions of this section apply to any stationary combustion turbine that is subject to the provisions of N.J.A.C. 7:27-19, except emergency generators.

(b) The owner or operator of any stationary combustion turbine shall cause it to emit CO in concentrations that do not exceed 250 parts per million by volume, dry basis (ppmvd) at 15 percent oxygen.

(c) The owner or operator of any stationary combustion turbine shall cause it to emit VOC in concentrations that do not exceed 50 ppmvd at 15 percent oxygen.

(d) Any owner or operator of a stationary combustion turbine:

1. With a maximum gross heat input rate of at least 30 million BTU per hour or greater, subject to this section shall achieve compliance with this section by May 31, 1995, and maintain compliance with this section thereafter; or

2. With a maximum gross heat input rate of at least 25 million BTU, but less than 30 million BTU per hour, subject to this section shall achieve compliance with this section by March 7, 2007, and maintain compliance with this section thereafter.

(e) The owner or operator of any stationary combustion turbine:

1. With a maximum gross heat input rate of at least 30 million BTU per hour or greater, subject to this section shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 before May 31, 1996; or

2. With a maximum gross heat input rate of at least 25 million BTU, but less than 30 million BTU per hour, subject to this section shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 on or before March 7, 2008.

(f) The owner or operator of any stationary combustion turbine subject to this section with a maximum gross heat input rate of at least 25 million BTU per hour, shall adjust the combustion process in accordance with the procedure set forth at N.J.A.C. 7:27-19.16 and the following schedule:

1. For a stationary combustion turbine that has a maximum gross heat input rate of at least 25 million BTU but less than 30 million BTU per hour, according to manufacturer's recommended maintenance schedules beginning in 2007; or

2. For a stationary combustion turbine that has a maximum gross heat input rate of at least 30 million BTU per hour or greater, or required by this section prior to November 7, 2005 to adjust the combustion process, according to manufacturer's recommended maintenance schedules.

(g) Any source conducting emissions tests for VOC in accordance with this section shall do so using New Jersey Air Test Method 3 (N.J.A.C. 7:27B-3) or any equivalent method approved in advance by the Department and acceptable to EPA.

(h) Any source conducting emissions monitoring for CO to determine compliance with this section shall do so using the method set forth at 40 CFR 60, Appendix B, Performance Specification Test No. 2, and 40 CFR 60, Appendix F, Quality Assurance Requirements, including any amendments or supplements thereto, or any equivalent method approved in advance by the Department and acceptable to EPA.

(i) Any source conducting emissions tests for CO to determine compliance with this section shall do so using the method set forth at 40 CFR 60, Appendix A, Reference Method 10, including any amendments or supplements thereto, or any equivalent method approved in advance by the Department and acceptable to EPA.

(j) Any owner or operator submitting a Repowering Plan for a combustion source pursuant to N.J.A.C. 7:27-19 may submit facility-specific CO and VOC limits as an alternative to those specified in this section as part of the facility's proposed Repowering Plan.

New Rule, R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
Prior text at section, "Emission information, record keeping and testing", recodified as 7:27-16.22.
Amended by R.1995 d.255, effective May 15, 1995 (operative June 19, 1995).
See: 26 N.J.R. 4478(a), 27 N.J.R. 1979(b).
Administrative Correction.
See: 27 N.J.R. 2740(a)
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
In rule heading, substituted "combustion" for "gas"; substituted "combustion" for "gas" throughout the section; in (a), added ", except emergency generators"; in (b), added "combustion"; rewrote (d) through (f).

7:27-16.10 Stationary reciprocating engines

(a) The provisions of this section apply to any stationary reciprocating engine that is subject to the provisions of N.J.A.C. 7:27-19 except emergency generators.

(b) The owner or operator of any stationary reciprocating engine subject to this section shall cause it to emit CO in concentrations that do not exceed 500 parts per million by volume, dry basis (ppmvd) at 15 percent oxygen.

(c) Any owner or operator of a stationary reciprocating engine:

1. With a maximum rated power output of at least 500 brake horsepower or greater, subject to this section shall achieve compliance with this section by May 31, 1995, and maintain compliance with this section thereafter; or

2. With a maximum rated power output of at least 37 kW, but less than 370 kW, used for generating electricity, subject to this section shall achieve compliance with this section by March 7, 2007, and maintain compliance with this section thereafter.

(d) The owner or operator of any stationary reciprocating engine:

1. With a maximum rated power output of at least 500 brake horsepower or greater, subject to this section shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 before May 31, 1996; or

2. With a maximum rated power output of at least 37 kW, but less than 370 kW, used for generating electricity, subject to this section shall demonstrate compliance with this subchapter in accordance with the procedures at N.J.A.C. 7:27-16.23 on or before March 7, 2008.

(e) The owner or operator of any stationary reciprocating engine subject to this section with a maximum rated power output of at least 37 kW or greater, whether or not located at a major NO_x facility, shall adjust the combustion process in accordance with the procedure set forth at N.J.A.C. 7:27-19.16 and the following schedule:

1. For a stationary reciprocating engine that has a maximum rated power output of at least 37 kW, but less than 370 kW, used for generating electricity, adjust the combustion process according to manufacturer's recommended maintenance schedules beginning in 2007; or

2. For a stationary reciprocating engine that has a maximum rated power output of at least 500 brake horsepower or greater, or required by this section prior to November 7, 2005 to adjust the combustion process, according to manufacturer's recommended maintenance schedules.

(f) Any source conducting emissions tests for VOC to determine compliance with this section shall do so using Reference Method 10 found in 40 CFR Part 60—Appendix A or any equivalent method approved in advance by the Department and acceptable to EPA.

(e) Any person responsible for the emission of VOC shall, upon request of the Department, provide sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of the VOC being emitted into the outdoor atmosphere. During such testing by the Department, the equipment and all components connected, or attached to, or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

(f) All testing and monitoring pursuant to the provisions of this subchapter shall be conducted using N.J.A.C. 7:27B-3 or other method approved in advance by the Department and acceptable to EPA.

(g) Hourly emissions limits apply to any consecutive 60 minute period, and testing performed to verify compliance shall be based on a 60 minute period during which the equipment or control apparatus is used and operated under conditions acceptable to the Department and consistent with the operational parameters and limits set forth in any permit or certificate in effect. If circumstances require that test periods be less than, or more than 60 minutes (such as when an operational duration is less than 60 minutes or when detectability limits are approached for low concentration gas streams), the Department may require different test periods in its review and approval of test protocols.

(h) Any record keeping requirement set forth at N.J.A.C. 7:27-16.2(k), 16.3(s), 16.7(m), 16.7(n), 16.16(g), or 16.20(g), shall become effective on October 1, 1992, except for record keeping based on continuous emission monitoring. Any record keeping requirement based on continuous emission monitoring shall become effective on April 1, 1993.

(i) Any person who reports information to the Department pursuant to the requirements set forth at N.J.A.C. 7:27-16.2(k), 16.3(s), 16.7(m) and (n), 16.16(g), or 16.20(g) may assert a confidentiality claim for that information in accordance with the procedures set forth at N.J.A.C. 7:27-1.6 through 1.30.

Recodification: Recodified from 16.8.
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(a).
Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).
See: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).
Require EPA approval of variances and access to records.
Amended by R.1993 d.128, effective March 15, 1993 (operative April 20, 1993).
See: 24 N.J.R. 2979(a), 25 N.J.R. 1254(a).
Corrected internal cite.
Recodified from 7:27-16.9 and amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
Administrative Correction.
See: 27 N.J.R. 2740(a).

7:27-16.23 Procedures for demonstrating compliance

(a) The owner or operator of equipment or a source operation subject to N.J.A.C. 7:27-16.8, 16.9, 16.10, 16.11 or 16.13 that is subject to an emission limit under this subchapter shall demonstrate compliance with the emission limit pursuant to (a)1 below if a continuous emissions monitoring system has been installed on the equipment or source operation for the air contaminant in question, or pursuant to (a)2 below if no such system has been installed for the air contaminant.

1. With respect to an emission limit for any air contaminant monitored by a continuous emissions monitoring system installed on the equipment or source operation, compliance with the limit is based upon the average of emissions over one calendar day, not including periods of equipment downtime.

2. With respect to an emission limit for any air contaminant that is not monitored by a continuous emissions monitoring system installed on the equipment or source operation, compliance with the limit is based upon the average of three one-hour tests, each performed over a consecutive 60-minute period specified by the Department and performed in compliance with N.J.A.C. 7:27-16.22.

(b) For any equipment or source operation subject to (a) above which was in operation before January 1, 1995, the owner or operator shall demonstrate compliance with this subchapter in accordance with (a)1 or 2 above by May 31, 1996, and thereafter at the frequency set forth in the permit or certificate for such equipment or source operation.

(c) For any equipment or source operation subject to (a) above which commences operations or is altered after January 1, 1995, the owner or operator shall demonstrate compliance with this subchapter in accordance with (a) or (b) above within 180 days from the date on which the source operation commences operation, and thereafter at the frequency set forth in the permit or certificate for such equipment or source operation.

(d) An exceedance of any applicable VOC or CO emission limit set forth in this subchapter, determined through testing or monitoring performed pursuant to (a) or (b) above or otherwise, is a violation of this subchapter.

New Rule, R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).

7:27-16.24 (Reserved)

New Rule, R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
Repealed by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
Section was "Adjusting combustion processes".

7:27-16.25 (Reserved)

7:27-16.26 Variances

(a) Whenever a person responsible for the emission of any VOC believes that advances in the art of control for the kind and amount of VOC emitted have not developed to a degree which would enable the requirements of this subchapter to be attained, such person may apply to the Department in writing for a variance, setting forth any reason and justification therefor.

(b) Any person submitting an application for a variance to the Department is subject to the certification requirements set forth at N.J.A.C. 7:27-1.39.

(c) The Department may issue a variance which shall be valid for a period not to exceed three consecutive years from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation.

(d) Variances issued under the provisions of this section shall be conditional upon:

1. Compliance with any requirements which the Department sets forth as conditions of approval; and

2. Approval by the EPA as a revision to the State Implementation Plan.

(e) Variances may be revoked at any time at the discretion of the Department.

(f) Any applicant aggrieved by the denial or revocation by the Department of a variance allowed under the provisions of this section may request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32.

Recodification: From 16.9.
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(a).
Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).
See: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).
Addressed EPA-identified deficiencies.
Recodified from 7:27-16.10 by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
Administrative Correction.
See: 27 N.J.R. 2740(a).
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 (f), changed N.J.A.C. reference.

7:27-16.27 Exceptions

(a) The provisions of this subchapter shall not apply to any stationary vessel or delivery vessel maintained under a pressure greater than one atmosphere provided that any vent serving such vessel has the sole function of relieving pressure under abnormal emergency conditions.

(b) The provisions of this subchapter shall not apply to the emissions of VOC from the following source operations:

1. Offset lithography printing operations until November 15, 1994;

2. Surface coating of plastic parts until November 15, 1994;

3. Natural gas pipelines that are not major VOC facilities, with the exception of blowdown events as set forth in N.J.A.C. 7:27-16.21;

4. Industrial wastewater treatment systems until November 15, 1994;

5. All other wastewater treatment facilities until November 15, 1994; and

6. Open burning.

Recodification: From 16.12.
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(a).
Recodified from 16.13 by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).
See: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).
Recodified from 7:27-16.12 and amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).

SUBCHAPTER 17. CONTROL AND PROHIBITION OF AIR POLLUTION BY TOXIC SUBSTANCES

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2C-1 et seq. and were filed and became effective on June 14, 1977, as R.1977 d.207. See: 9 N.J.R. 69(a), 9 N.J.R. 321(b). Amendments were filed on October 17, 1979, as R.1979 d.414 to become effective on December 17, 1979. See: 10 N.J.R. 477(b), 11 N.J.R. 544(b).

7:27-17.1 Definitions

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

"Aerodynamic downwash" means the rapid descent of a plume to ground level with little dilution and dispersion due to alteration of background air flow characteristics caused by the presence of buildings or other obstacles in the vicinity of the emission point.

"Air contaminant" means any substance, other than water or distillates of air, present in the atmosphere as solid particles, liquid particles, vapors or gases.

"Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

"CFR" means the Code of Federal Regulations.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphre.

"Department" means the New Jersey Department of Environmental Protection.

"Distillates of air" means helium (He), nitrogen (N_2), oxygen (O_2), neon (Ne), argon (Ar), krypton (Kr), and xenon (Xe).

"Effective stack height" means the distance to the plume center line from the ground as determined by adding the plume rise to the physical height of the stack. It shall be calculated by one of the following equations:

1. If the lowest possible temperature of the gas leaving the stack is 68 degrees Fahrenheit (20 degrees Celsius) or less:

$$\text{Effective stack height} = H_s + 2.76(D)(B^{1/3})$$

where:

H_s = the physical stack height above grade in meters
D = he stack outlet in diameter in meters
B = $(V^2)/T$
V = the stack gas exit velocity in meters per second
T = the stack gas temperature at the stack outlet in degrees Kelvin

2. If the lowest possible temperature of the gas leaving the stack is greater than 68 degrees Fahrenheit (20 degrees Celsius):

$$\text{Effective stack height} = H_s + 8.28(F^{0.75})$$

where:

H_s = the physical stack height above grade in meters
F = $(V)(D^2)(T\text{-}293)/T$
V = the stack gas exit velocity in meters per second
D = the stack outlet diameter in meters
T = the stack gas temperature at the stack outlet in degrees Kelvin

"Equipment" means any device capable of causing the emission of an air contaminant either directly or indirectly to the outdoor atmosphere, and any stack or chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This term includes, but is not limited to, a device in which the preponderance of the air contaminants emitted is caused by a manufacturing process.

"Gasoline" means any petroleum distillate or petroleum distillate/oxygenate blend having a Reid vapor pressure of four pounds per square inch (207 millimeters of mercury) absolute or greater, and commonly or commercially known or sold as gasoline.

"Indirect emissions" means a discharge of any air contaminant into the outdoor atmosphere through any opening that is not a stack or chimney directly connected to the equipment.

"Liquid particles" means particles which have volume but are not of rigid shape.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

"Open top tank" means any vessel in which a manufacturing process, or any part thereof, takes place during which there is an opening to the atmosphere greater than 25 percent of the surface area of any liquid substance contained therein.

"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 this State or any agencies or instrumentalities thereof.

"Plume rise" means the vertical distance from the point at which an effluent stream is discharged into the outdoor atmosphere to the highest point attained by the center line of the effluent stream.

"Reid vapor pressure" or "RVP" means the absolute vapor pressure of a petroleum product in pounds per square inch (kilopascals) at 100 degrees Fahrenheit (°F) (37.8 degrees Celsius (°C)) as measured by "Method 1—Dry RVP Measured Method" or "Method 2—Herzog Semi-Automatic Method" promulgated at 40 CFR 80, Appendix E; or any other equivalent test method approved in advance in writing by the Department and the EPA.

"Solid particles" means particles of rigid shape and definite volume.

"Source operation" means any process or any identifiable part thereof that emits or can reasonably be anticipated to emit any air contaminant either directly or indirectly into the outdoor atmosphere.

"Stack or chimney" means a flue conduit or opening designed, constructed, or utilized for the purpose of emitting any air contaminant into the outdoor atmosphere.

"Standard conditions" means 70 degrees Fahrenheit (°F) (21.1 degrees Celsius (°C)) and one atmosphere pressure (14.7 pounds per square inch absolute or 760.0 millimeters of mercury).

"Storage tank" means any tank, reservoir, or vessel which is a container for liquids or gases, wherein:

1. No manufacturing process, or part thereof, other than filling or emptying takes place; and

2. The only treatment carried out is that necessary to prevent change from occurring in the physical condition or the chemical properties of the liquids or gases deposited into the container. Such treatment may include recirculating, agitating, maintaining the temperature of the stored liquids or gases, or replacing air in the vapor space above the stored

liquids or gases with an inert gas in order to inhibit the occurrence of chemical reaction.

"Surface cleaner" means a device to remove unwanted foreign matter from the surfaces of materials by using VOC solvents in the liquid or vapor state.

"Surface coating formulation" means the material used to form a protective, functional, or decorative film including, but not limited to, any architectural coating, paint, varnish, ink or adhesive applied to or impregnated into a substrate.

"Surface coating operation" means the application of one or more surface coating formulations, using one or more coating applicators, together with any associated drying or curing areas. A single surface coating operation ends after drying or curing and before other surface coating formulations are applied. For any web coating line, this term means an entire coating application system, including any associated drying ovens or areas between the supply roll and take-up roll, that is used to apply surface coating formulations onto a continuous strip or web.

"Tank" means any container whose walls are constructed of material which is rigid and self-supporting.

"Toxic substance" or "TXS" means a substance listed in Table 1 of this subchapter.

"Transfer operation" means the moving of any substance from any storage tank, manufacturing process vessel, or delivery vessel into any receiving vessel.

"Vapor" means the gaseous form of substances which, under standard conditions, are in the solid or liquid state and which can be changed to these states by either increasing the pressure or decreasing the temperature.

"Vapor pressure" means the pressure of the vapor phase of a substance, or the sum of the partial pressures of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the substance or substances.

"Volatile organic compound" or "VOC" means any compound of carbon (other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate) which participates in atmospheric photochemical reactions. For the purpose of determining compliance with emission limits or content standards, VOC shall be measured by test methods in the approved SIP (such as N.J.A.C. 7:27B-3) or 40 CFR Part 60, Appendix A, as applicable, or which have been approved in writing by the Department and are acceptable to EPA. This term excludes those compounds which EPA has excluded from its definition of VOC in the list set forth at 40 CFR 51.100(s)(1), which is incorporated by reference herein, together with all amendments and supplements. As of April 9, 1998, the compounds and classes of perfluorocarbons excluded from EPA's definition of VOC at 40 CFR 51.100(s) are set forth below:

methane

ethane

methylene chloride (dichloromethane)

1,1,1-trichloroethane (methyl chloroform)

1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)

trichlorofluoromethane (CFC-11)

dichlorodifluoromethane (CFC-12)

chlorodifluoromethane (HCFC-22)

trifluoromethane (HFC-23)

1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)

chloropentafluoroethane (CFC-115)

2,2-dichloro-1,1,1-trifluororethane (HCFC-123)

1,1,1,2-tetrafluoroethane (HFC-134a)

1,1-dichloro-1-fluoroethane (HCFC-141b)

1-chloro-1,1-difluoroethane (HCFC-142b)

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

pentafluoroethane (HFC-125)

1,1,2,2-tetrafluoroethane (HFC-134)

1,1,1-trifluoroethane (HFC-143a)

1,1-difluoroethane (HFC-152a)

parachlorobenzotrifluoride (PCBTF)

cyclic, branched, or linear completely methylated siloxanes

acetone

perchloroethylene (tetrachloroethylene)

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)

1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)

difluoromethane (HFC-32)

ethylfluoride (HFC-161)

1,1,1,3,3,3-hexafluoropropane (HFC-236fa)

1,1,2,2,3-pentafluoropropane (HFC-245ca)

1,1,2,3,3-pentafluoropropane (HFC-245ea)

1,1,1,2,3-pentafluoropropane (HFC-245eb)

7:27-18.10 Exemptions

(a) If a person demonstrates that a proposed significant net emission increase of an air contaminant which results from the use of alternative fuels in existing fuel burning equipment will not cause an exceedance of the significance level for the respective criteria pollutant in a nonattainment area for that pollutant, and will not prevent reasonable further progress toward attaining any NAAQS, the Department may, in its discretion, exempt the person from compliance with the provisions of this subchapter. No exemption shall be granted unless the person demonstrates, at a minimum, that:

1. The equipment was capable of burning the alternative fuel before December 21, 1976; or

2. The equipment must use such fuel by reason of an order in effect under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 792 et seq.) or under any superseding legislation, or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act of 1978 (16 U.S.C. 791a et seq.); or

3. The alternative fuel is derived from municipal solid waste; or

4. The alternative fuel is to be used by reason of an order or rule issued under Section 125 of the Clean Air Act.

(b) N.J.A.C. 7:27-18.3(c)1 does not apply to any person submitting an application for:

1. Portable facilities which will be relocated outside of a nonattainment area within six months of initiation of operation; or

2. Temporary source operations which produce an experimental product, and which cease operation within six months of initiation of operation.

(c) The exemption in (b) above may not be applied to the same portable facility or temporary source operation more than once within the lifetime of the portable facility or temporary source operation.

Recodified from 18.9 and amended by R.1993 d.129, effective March 15, 1993 (operative April 20, 1993).
See: 24 N.J.R. 3459(a), 25 N.J.R. 1231(b).
Changes made pursuant to 1990 Clean Air Act amendments.
Amended by R.1996 d.511, effective November 4, 1996 (operative November 23, 1996).
See: 28 N.J.R. 748(a), 28 N.J.R. 4784(b).

7:27-18.11 (Reserved)

New Rule, R.1993 d.129, effective March 15, 1993 (operative April 20, 1993).
See: 24 N.J.R. 3459(a), 25 N.J.R. 1231(b).
New Rule, 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).
Administrative change.
See: 32 N.J.R. 3117(a).
Repealed by R.2004 d.129, effective April 5, 2004 (operative April 25, 2004).
See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).
Section was "Procedures for interstate and intrastate trading".

7:27-18.12 Civil or criminal penalties for failure to comply

The owner or operator of any facility subject to this subchapter shall be responsible for ensuring compliance with all requirements of this subchapter. Failure to comply with any provision of this subchapter may subject the owner or operator to civil penalties in accordance with N.J.A.C. 7:27A-3 and applicable criminal penalties, including, but not limited to, those set forth at N.J.S.A. 26:2C-19(f)1 and 2. If there is more than one owner or operator of a facility, all owners and operators are jointly and severally liable for such civil penalties.

New Rule, R.1993 d.129, effective March 15, 1993 (operative April 20, 1993).
See: 24 N.J.R. 3459(a), 25 N.J.R. 1231(b).

SUBCHAPTER 19. CONTROL AND PROHIBITION OF AIR POLLUTION FROM OXIDES OF NITROGEN

Authority

N.J.S.A. 13:1B-3, 13:1D-9, and 26:2C-1 et seq., in particular 26:2C-9(c) and 19.

Source and Effective Date

R.1993 d.682, effective December 20, 1993 (operative January 23, 1994).
See: 25 N.J.R. 631(a), 25 N.J.R. 5957(a).

Law Review and Journal Commentaries

Air Pollution Law Changes Target Nitrogen Oxides. Neale R. Bedrock, 136 N.J.L.J. No. 8, S17 (1994).

Explaining the Facts of BACT, RACT and GACT. Neale R. Bedrock, 138 N.J.L.J. No. 8, 54 (1994).

7:27-19.1 Definitions

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

"Air contaminant" means any substance, other than water or distillates of air, present in the atmosphere as solid particles, liquid particles, vapors or gases.

"Alter" means to effect an alteration of equipment or control apparatus.

"Alteration" means one of the following changes to equipment or control apparatus, or to a source operation, for which a permit has been issued:

1. If the equipment, control apparatus, or source operation is subject to preconstruction permit requirements, a

change which requires a permit revision under N.J.A.C. 7:27-8.18; or

2. If the equipment, control apparatus, or source operation is at a facility for which an operating permit has been issued, a change which requires a minor modification or a significant modification of the permit under N.J.A.C. 7:27-22.23 or 24.

"Alternative maximum allowable emission rate" means a maximum allowable emission rate, set by the Department on a site-specific basis pursuant to N.J.A.C. 7:27-19.13.

"Ambient air quality standard" means a limit on the concentration of an air contaminant in the general outdoor atmosphere as set forth in N.J.A.C. 7:27-13 or 40 CFR 50.

"Anthracite coal" means coal that is classified as anthracite according to the ASTM Standard Specification for Classification of Coals by Rank, ASTM D 388-77, incorporated herein by reference, as amended or supplemented. This specification can be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

"Asphalt" means a solid, semisolid, or liquid material, produced by mixing bituminous substances together with gravel, crushed rock or similar materials, and used commonly as a coating or paving.

"ASTM" means the American Society for Testing and Materials.

"Averaging" means complying with the requirements of this subchapter pursuant to N.J.A.C. 7:27-19.6, Emissions averaging.

"Averaging unit" means an individual source operation or item of equipment which is included in a designated set for the purpose of averaging pursuant to N.J.A.C. 7:27-19.6.

"Base year" means calendar year 1990 or other calendar year determined pursuant to N.J.A.C. 7:27-19.20(d)1, in connection with a plan for seasonal fuel switching.

"Batch type asphalt plant" means an asphalt plant where the aggregate and asphalt cement or other binder are mixed in equipment other than a rotary dryer.

"Bituminous coal" means coal that is classified as bituminous according to the ASTM Standard Specification for Classification of Coals by Rank, ASTM D 388-77, incorporated herein by reference, as amended or supplemented. This specification can be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959.

"Borosilicate recipe" means a formula for making glass using 60 to 80 percent silicon dioxide, five to 35 percent boric oxides, and four to 23 percent other oxides.

"Boiler serving an electric generating unit" means a steam generating unit used for generating electricity including a unit serving a cogeneration facility.

"Brake horsepower" or "bhp" means a measure of mechanical power generated by a reciprocating engine determined by a brake attached to the shaft coupling.

"Brake horsepower-hour" or "bhp-hr" means a unit of energy or work, equal to the work done by a mechanism with a power output of one brake horsepower over a period of one hour.

"British thermal unit" or "BTU" means the quantity of heat required to raise the temperature of one avoirdupois pound of water one degree Fahrenheit at 39.1 degrees Fahrenheit.

"Budget source" means those sources regulated in N.J.A.C. 7:27-31.

"Calendar day" means the 24 hour period from 12:00 o'clock midnight to 12:00 o'clock midnight the following day.

"Carbon monoxide (CO)" means a colorless, odorless, tasteless gas at standard conditions, having a molecular composition of one carbon atom and one oxygen atom.

"Certificate" means either an operating certificate or a temporary operating certificate.

"Cleaner fuel" means a fuel other than a combustion source's primary fuel, the combustion of which results in a rate of NO_x emissions that is less than the rate of NO_x emissions when the primary fuel is combusted, all other circumstances being equal.

"CFR" means the United States Code of Federal Regulations.

"Clean Air Act" or "CAA" means the Federal Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended and supplemented.

"Coal" means anthracite coal, bituminous coal, coke, lignite, nonbanded coal, and/or subbituminous coal.

"Coke" means a fused, cellular, porous substance that remains after free moisture and the major portion of the volatile materials have been distilled from bituminous coal and other carbonaceous material by heating it in the absence of air or with a limited supply of air.

"Combined cycle combustion turbine" means a combustion turbine that recovers heat from the turbine exhaust gases to heat water or generate steam.

4. The amount, type and higher heating value of the fuel(s) consumed over the subject time period;

5. The amount of NO_x (expressed in pounds or tons) emitted by each averaging unit over the subject time period;

6. Whether the amount exceeds the allowable rate for the averaging unit specified under (b)4 above;

7. The sum of the amounts listed in (g)5 above for all averaging units;

8. The allowable NO_x emissions calculated pursuant to (d)2 above; and

9. Any other information required to be maintained as a condition of approval granted pursuant to (b) above.

(h) The owner or operator of a designated set shall submit quarterly reports to the Department on April 30, July 30, October 30 and January 30 of each year, for the immediately preceding calendar quarter ending March 31, June 30, September 30 and December 31, respectively. The owner or operator shall submit the report to the Department at the address set forth in (k) below. The owner or operator shall include the following information in the quarterly report:

1. The information listed in (g)2 and 3 above;

2. In the report for the quarter ending March 31, the compliance determination required under (f)2 above for each 30-day period ending on a calendar day within the quarter;

3. In the report for the quarter ending June 30:

i. The compliance determination required under (f)2 above for each 30-day period ending on a calendar day from April 1 through May 14, inclusive; and

ii. The compliance determination required under (f)1 above for each calendar day from May 15 through June 30, inclusive;

4. In the report for the quarter ending September 30, the compliance determination required under (f)1 above for each calendar day from July 1 through September 30; and

5. In the report for the quarter ending December 31, the compliance determination required under (f)2 above for each 30-day period ending on a calendar day within the quarter.

(i) If the emissions from the designated set or from any averaging unit do not comply with (d) above for any time period described in (f) above, the owner or operator of the designated set shall deliver (as opposed to send) written notice of the non-compliance to the Department within two working days after the date on which the owner or operator was required to calculate compliance under (f) above. The owner or operator shall provide the notice in writing to the Regional Enforcement Officer, at the address specified at N.J.A.C. 7:27-19.3(i) for the county in which the averaging unit with the highest NO_x emission rate is located. The owner or operator shall include the following information in the notification:

1. The name of the owner or operator;

2. The name and telephone number of the person specified in (b)7 above;

3. All information required to be recorded under (h) above;

4. A statement of the reason(s) for the non-compliance, if known; and

5. Certification of the notification, in accordance with N.J.A.C. 7:27-1.39.

(j) An owner or operator of an averaging unit which cannot be operated due to sudden and reasonably unforeseeable circumstances beyond the control of the owner or operator, and for which the NO_x emission rate specified under (b)4 above is less than the applicable maximum allowable NO_x emission rate under N.J.A.C. 7:27-19.4 , 19.5, 19.7, 19.8, or 19.10 shall take the following actions:

1. Within two working days after the averaging unit ceased operating, deliver (as opposed to send) written preliminary notice to the Department. This preliminary notice shall be followed up within 30 calendar days of the occurrence of the incident certifying the information in accordance with N.J.A.C. 7:27-1.39. In the written notice, the owner or operator shall identify the unit which is or was not operating, and state why it is or was not operating;

2. If circumstances beyond the control of the owner or operator make it impracticable either to repair the averaging unit within 15 calendar days after it ceased operating, or to comply with the averaging plan without operating the unit (for example, through reducing the operations of another unit and purchasing electric power from another source), include in the notice described in (j)1 above an explanation of those circumstances and an estimate of the time required to repair the averaging unit; and

3. In determining whether the designated set is in compliance with (d)2 above, assume that the NO_x emissions and heat input for the non-operational averaging unit for each of the first 15 days of non-operation (or such longer period, not to exceed six months, as the Department determines is necessary to repair the averaging unit based on the information submitted under (j)2 above) are equal to the actual emissions and heat input for that unit on the most recent comparable demand day. For each day after the end of the period described above, assume that the NO_x emissions and heat input for the non-operational averaging unit are zero.

(k) A person required to submit a quarterly report to the Department under (h) above shall send the quarterly report to the applicable address listed below:

1. If the averaging unit with the highest NO_x emission limit is located in Mercer County, Middlesex County, Monmouth County, Ocean County, or Union County, the person shall send the quarterly report to:

Department of Environmental Protection
Central Regional Office
Air Compliance & Enforcement
Horizon Center
Rt. 130, Building 300
P.O. Box 407
Robbinsville, NJ 08625-0407

2. If the averaging unit with the highest NOx emission limit is located in Bergen County, Essex County, Hudson County, Hunterdon County, Morris County, Passaic County, Somerset County, Sussex County or Warren County, the person shall send the quarterly report to:

Department of Environmental Protection
Northern Regional Office
Air Compliance & Enforcement
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

3. If the averaging unit with the highest NO_x emission limit is located in Atlantic County, Burlington County, Camden County, Cape May County, Cumberland County, Gloucester County or Salem County, the person shall send the quarterly report to:

Department of Environmental Protection
Southern Regional Office
Air Compliance & Enforcement
One Port Center
2 Riverside Drive, Suite 201
Camden, NJ 08103

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).
Amended by R.1996 d.303, effective July 1, 1996 (operative August 2, 1996).
See: 28 N.J.R. 1147(b), 28 N.J.R. 3414(a).
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 (i)5 and (j)1, changed N.J.A.C. references.
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).
In (b)6ii and (d)2ii, substituted references to September 30 for references to September 15 and substituted references to October 1 for references to September 16; in (f), substituted a reference to September 30 for a reference to September 15 in 1, and substituted a reference to October 1 for a reference to September 16 in 2; and rewrote (h)4.
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
In (b)1, deleted "utility", added "serving an electric generating unit" and substituted "combustion" for "gas"; in (h), substituted "(k)" for "(*l*)"; added (k).
Administrative correction.
See: 38 N.J.R. 5155(b).

7:27-19.7 Industrial/commercial/institutional boilers and other indirect heat exchangers

(a) Beginning in calendar year 1995, and until March 7, 2007, the owner or operator of an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 20 million but less than 50 million BTUs per hour shall:

1. Annually adjust the boiler's combustion process in accordance with N.J.A.C. 7:27-19.16, each calendar year; or

2. Cause the boiler or other indirect heat exchanger to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 5 below, and establish compliance with this requirement by continuous emissions monitoring pursuant to N.J.A.C. 7:27-19.15(a)1.

(b) Beginning on May 31, 1995, and until March 7, 2007, the owner or operator of an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 50 million but less than 100 million BTUs per hour shall cause the boiler or other indirect heat exchanger to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 5 below, and comply with the requirements of (e) below.

TABLE 5
Maximum Allowable NO_x Emission Rates for Industrial/Commercial/Institutional Boilers and other Indirect Heat Exchangers
Subject to N.J.A.C. 7:27-19.7(b)
(pounds per million BTU)

	Firing Method		
Fuel/Boiler Type	Tangential	Face	Cyclone
Coal—Wet Bottom	1.0	1.0	0.55
Coal—Dry Bottom	0.38	0.43	0.55
# 2 Fuel Oil	0.12	0.12	0.12
Other Liquid Fuels	0.3	0.3	0.3
Refinery fuel gas	0.20	0.20	N/A
Natural Gas	0.1	0.1	0.1

(c) Beginning on May 31, 1995, and until March 7, 2007, the owner or operator of an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 100 million BTUs per hour shall cause the boiler or other indirect heat exchanger to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 6 below, and comply with the applicable requirements of (d) or (e) below.

TABLE 6
Maximum Allowable NO_x Emission Rates for
Industrial/Commercial/Institutional Boilers
and other Indirect Heat Exchangers
Subject to N.J.A.C. 7:26-19.7(c)
(pounds per million BTU)

	Firing Method		
Fuel/Boiler Type	Tangential	Face	Cyclone
Coal—Wet Bottom	1.0	1.0	0.60
Coal—Dry Bottom	0.38	0.45	0.55
Oil and/or Gas	0.20	0.28	0.43
Refinery fuel gas	0.20	0.20	N/A
Gas Only	0.20	0.20	0.43

(d) In addition to complying with (c) above, the owner or operator of any industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 250 million BTU per hour shall install a continuous emissions monitoring system in accordance with N.J.A.C. 7:27-19.18.

(e) Until March 7, 2007, in addition to complying with (b) or (c) above, as applicable, the owner or operator of an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 50 million BTUs per hour but less than 250 million BTUs per hour shall either:

1. Annually adjust the boiler's combustion process in accordance with N.J.A.C. 7:27-19.16, each calendar year; or

2. Establish compliance with the applicable maximum allowable emission rate by continuous emissions monitoring pursuant to N.J.A.C. 7:27-19.15(a)1.

(f) Until March 7, 2007, in lieu of complying with a NO_x emission limit under (b) or (c) above, the owner or operator of an industrial/commercial/ institutional boiler or other indirect heat exchanger may comply with N.J.A.C 7:27-19.3(f).

(g) On and after March 7, 2007, the owner or operator of an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least five million BTU per hour, whether or not it is located at a major NO_x facility, shall adjust the combustion process annually in accordance with the procedure set forth at N.J.A.C. 7:27-19.16 and the following schedule:

1. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least five million BTU per hour, but less than 10 million BTU per hour, in the same quarter of each calendar year, beginning in 2010;

2. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 10 million BTU per hour, but less than 20 million BTU per hour, in the same quarter of each calendar year beginning in 2008; or

3. For an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 20 million BTU per hour or greater, in the same quarter of each calendar year beginning in 2007.

(h) On and after March 7, 2007, an industrial/commercial/institutional boiler or other indirect heat exchanger with a maximum gross heat input rate of at least 50 million BTU per hour, located at a major NO_x facility, shall cause the boiler or other indirect heat exchanger to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 7 below, unless the owner or operator is complying with N.J.A.C. 7:27-19.3(f).

TABLE 7
Maximum Allowable NO_x Emission Rates for
Industrial/Commercial/Institutional Boilers or other Indirect Heat Exchangers
(pounds per million BTU)

Heat Input Rate (million BTU per hr)	Fuel/Boiler Type	Firing Method		
		Tangential	Face	Cyclone
at least 50 but < 100	Natural gas	0.10	0.10	0.10
	#2 Fuel oil	0.12	0.12	0.12
	Refinery fuel gas and other gaseous fuels	0.20	0.20	N/A
	Other liquid fuels	0.30	0.30	0.30
	Coal – Wet Bottom	1.0	1.0	0.55
	Coal – Dry Bottom	0.38	0.43	0.55
at least 100 or greater	Natural gas only	0.10	0.10	0.10

Refinery fuel gas and other gaseous fuels	0.20	0.20	N/A
Fuel oil and/or natural gas	0.20	0.28	0.43
Coal – Wet Bottom	1.0	1.0	0.60
Coal – Dry Bottom	0.38	0.45	0.55

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
In rule heading, substituted "Industrial/commercial/institutional boilers" for "Non-utility boilers"; rewrote (a) through (f); added (g) and (h).

7:27-19.8 Stationary reciprocating engines

(a) The owner or operator of a rich-burn stationary reciprocating engine capable of producing an output of 500 brake horsepower or more, fueled by gaseous fuel, shall cause it to emit no more than 1.5 grams of NO_x per bhp-hr. Beginning March 7, 2007, a rich-burn stationary reciprocating engine capable of producing an output of 370 kW or more, fueled by gaseous fuel, and used for generating electricity, shall be subject to (e) below, and not to this subsection.

(b) The owner or operator of a lean-burn stationary reciprocating engine capable of producing an output of 500 brake horsepower or more, fueled by gaseous fuel, shall cause it to emit no more than 2.5 grams of NO_x per bhp-hr. Beginning March 7, 2007, a lean-burn stationary reciprocating engine capable of producing an output of 370 kW or more, fueled by gaseous fuel, and used for generating electricity, shall be subject to (e) below, and not to this subsection.

(c) The owner or operator of a lean-burn stationary reciprocating engine capable of producing an output of 500 brake horsepower or more, fueled by liquid fuel, shall cause it to emit no more than 8.0 grams of NO_x per bhp-hr. Beginning March 7, 2007, a lean-burn stationary reciprocating engine capable of producing an output of 370 kW or more, fueled by liquid fuel, and used for generating electricity, shall be subject to (e) below, and not to this subsection.

(d) In lieu of complying with a NO_x emission limit under (a), (b) or (c) above, the owner or operator of a stationary reciprocating engine may comply with N.J.A.C. 7:27-19.3(f).

(e) On and after March 7, 2007, the owner or operator of a stationary reciprocating engine used for generating electricity whether or not it is located at a major NO_x facility, shall meet the following requirements, unless the owner or operator is complying with N.J.A.C, 7:27-19.3(f):

1. For an engine that has a maximum rated power output of 148 kW or greater, cause it to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 8 below;

TABLE 8
Maximum Allowable NO_x Emission Rates for Stationary Reciprocating Engines
Applicable to Paragraph (e)1 above and (e)4 below
Used for Generating Electricity

Engine/Fuel Type	Maximum Allowable NO_x Emission Rate (grams per Bhp-hr)
Rich - Burn fueled by Gaseous or Liquid Fuel	1.5
Lean - Burn fueled by Gaseous Fuel	1.5 or an emission rate which is equivalent to 80 percent NO_x reduction from the uncontrolled NO_x emission level
Lean-Burn fueled by Liquid Fuel	2.3
Lean-Burn fueled by Dual-Fuels (gas and liquid fuel)	2.3

2. For an engine that has a maximum rated power output of 37 kW or greater and that has commenced operation at the facility on or after March 7, 2007, cause it to emit NO_x at a rate no greater than 0.90 grams per bhp-hr;

3. For an engine that has a maximum rated power output of 37 kW or greater and that has been modified on or after March 7, 2007, cause it to emit NO_x at a rate no greater than 0.90 grams per bhp-hr or an emission rate which is equivalent to a 90 percent NO_x reduction from the uncontrolled NO_x emission level;

4. For a group of two or more stationary reciprocating engines, each of which has a rated power output of 37 kW or greater, but less than 148 kW, and whose total combined power output is 148 kW or greater, cause it to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 8 above.

5. For a modified engine to take advantage of a percent reduction standard specified in Table 8 at (e)1 above, or (e)3 above in lieu of the default emission standard, the equivalent grams per bhp-hr limit must be incorporated into a Preconstruction Permit or Operating Permit. To support the permit application, a stack test conducted in accordance with N.J.A.C. 7:27-19.15(a)2, utilizing a protocol developed using the protocol templates in Technical Manual 1004, available at the Department's

website at www.state.nj.us/dep/bts.html, must be used to establish the baseline emission rate prior to modification. The engine must have had the combustion processes adjusted using the procedures at N.J.A.C. 7:27-19.16 prior to the stack test. The protocol and test results must be approved by the Bureau of Technical Services (BTS).

(f) The owner or operator of any stationary reciprocating engine that has a maximum rated power output of at least 37 kW or greater, used for generating electricity, and whether or not it is located at a major NO_x facility, shall adjust the engine's combustion process in accordance with the procedures set forth at N.J.A.C. 7:27-19.16 and the following schedule:

1. For stationary reciprocating engine that has a maximum rated power output of at least 37 kW but less than 370 kW used for generating electricity, according to manufacturer's recommended maintenance schedules beginning in 2007: or

2. For stationary reciprocating engine that has a maximum rated power output of at least 370 kW or greater, or required prior to November 7, 2005 to adjust the combustion process, according to manufacturer's recommended maintenance schedules.

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
In rule heading, substituted "reciprocating" for "internal combustion"; rewrote (a) through (d); added (e) and (f).

7:27-19.9 Asphalt plants

(a) The owner or operator of a batch type or drum mix asphalt plant shall cause it to emit NO_x at a rate no greater than 200 ppmvd at seven percent O_2.

(b) At least annually, the owner or operator of an asphalt plant subject to (a) above shall adjust the combustion process of the aggregate dryer in accordance with N.J.A.C. 7:27-19.16.

(c) In lieu of complying with a NO_x emission limit under (a) above, the owner or operator of an asphalt plant may comply with one of the following, or with a combination of (c)1 and 3 below:

1. An emissions averaging plan approved by the Department pursuant to N.J.A.C. 7:27-19.6 and 19.14, which includes the combustion source in question as an averaging unit;

2. An alternative maximum allowable emission rate for the unit, approved by the Department pursuant to N.J.A.C. 7:27-19.13;

3. A seasonal fuel switching plan for the unit, approved by the Department pursuant to N.J.A.C. 7:27-19.14 and 19.20; or

4. A plan for phased compliance for the unit, approved by the Department pursuant to N.J.A.C. 7:27-19.14 and N.J.A.C. 7:27-19.21, 19.22 or 19.23.

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
In (a), deleted "which has the potential to emit at least 25 tons per year of NO_x".

7:27-19.10 Glass manufacturing furnaces

(a) The owner or operator of any commercial container glass manufacturing furnace listed in N.J.A.C. 7:27-19.2(b)6 shall cause the furnace to emit no more than 5.5 pounds of NO_x per ton of glass removed from the furnace.

(b) The owner or operator of any specialty container glass manufacturing furnace listed in N.J.A.C. 7:27-19.2(b)7 shall cause the furnace to emit no more than 11 pounds of NO_x per ton of glass removed from the furnace.

(c) The owner or operator of a borosilicate recipe glass manufacturing furnace listed in N.J.A.C. 7:27-19.2(b)8 shall:

1. By January 1, 1994 determine the baseline NO_x emission rate from the furnace by either:

i. Conducting source emissions testing in accordance with N.J.A.C. 7:27-19.17; or

ii. Using the results of source emissions testing conducted at any time after November 15, 1990, provided that the procedures used for the source emission testing meet the requirements of N.J.A.C. 7:27-19.17;

2. By July 1, 1994, submit one of the following to the Department:

i. A written plan detailing how the NO_x emission rate from the furnace will be reduced by 30 percent from the baseline emission rate measured in (c)1 above; or

ii. A demonstration that the NO_x emissions from the furnace, as measured by the source emissions testing performed under (c)1 above, are at least 30 percent less than the uncontrolled NO_x emissions from the furnace as of a date no earlier than November 15, 1990;

3. Before the date specified in (d) below, implement the plan detailed in (c)2i above (unless the owner or operator has submitted the demonstration described in (c)2ii above); and

4. Beginning on the date specified in (d) below, cause the furnace to emit NO_x at a rate no greater than the reduced rate described in (c)2i above, or to continue to emit

NO_x at a rate no greater than the rate demonstrated under (c)2ii above.

(d) A glass manufacturing furnace subject to this subchapter shall comply with the requirements of (a), (b), (c)3 and (c)4 above beginning on the earlier of the following:

1. The first date after January 23, 1994 on which rebricking of the furnace is completed; or

2. May 1, 1997.

(e) Beginning in calendar year 1994, the owner or operator of a glass manufacturing furnace subject to this subchapter shall adjust the combustion process of the furnace in accordance with N.J.A.C. 7:27-19.16 before May 1 of each calendar year.

(f) In lieu of complying with a NO_x emission limit under (a), (b) or (c) above, the owner or operator of a glass manufacturing furnace may comply with one of the following, or with a combination of (f)1 and 3 below:

1. An emissions averaging plan approved by the Department pursuant to N.J.A.C. 7:27-19.6 and 19.14, which includes the combustion source in question as an averaging unit;

2. An alternative maximum allowable emission rate for the furnace, approved by the Department pursuant to N.J.A.C. 7:27-19.13;

3. A seasonal fuel switching plan for the furnace, approved by the Department pursuant to N.J.A.C. 7:27-19.14 and 19.20; or

4. A plan for phased compliance for the furnace, approved by the Department pursuant to N.J.A.C. 7:27-19.14 and N.J.A.C. 7:27-19.21, 19.22 or 19.23.

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).

7:27-19.11 Emergency generators - recordkeeping

(a) The owner or operator of an emergency generator with a maximum rated output of 37 kW, shall maintain on site and record in a logbook or computer data system, the following information:

1. Once per month, the total operating time from the generator's hour meter;

2. For each time the emergency generator is specifically operated for testing or maintenance:

i. The reason for its operation;

ii. The date(s) of operation and the start up and shut down time;

iii. The total operating time for testing or maintenance based on the generator's hour meter; and

iv. The name of the operator; and

3. If a voltage reduction is the reason for the use of the emergency generator, a copy of the voltage reduction notification from PJM or other documentation of the voltage reduction.

(b) The owner or operator of an emergency generator shall maintain the records required under (a) above for a period of no less than five years after the record was made and shall make the records readily available to the Department or the EPA upon request.

New Rule by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).

7:27-19.12 (Reserved)

7:27-19.13 Facility-specific NO_x emissions limits

(a) This section establishes procedures and standards for the establishment of facility-specific NO_x emissions limits in the following circumstances:

1. If a major NO_x facility contains any source operation or item of equipment of a category not listed in N.J.A.C. 7:27-19.2(b) or (c) (that is, any source operation or item of equipment other than a boiler serving an electric generating unit, an industrial/commercial/institutional boiler, a stationary combustion turbine, a stationary reciprocating engine, a rotary dryer located at an asphalt plant, or a glass manufacturing furnace) that has the potential to emit more than 10 tons of NO_x per year, except as provided in (p) below; or

2. If the owner or operator of a source operation or item of equipment listed in N.J.A.C. 7:27-19.2(b) or (c) seeks approval of an alternative maximum allowable emission rate, which would apply to the equipment or source operation in lieu of the emission limit that would otherwise apply under this subchapter.

(b) The owner or operator of a major NO_x facility described in (a) 1 above shall obtain the Department's written approval of a facility-specific NO_x control plan in accordance with this section. For any facility, equipment or source operation that is in operation prior to January 23, 1994, the owner or operator shall submit to the Department in writing a proposed NO_x control plan for the facility by April 23, 1994 or by a later date approved by the Department pursuant to N.J.A.C. 7:27-19.3(e). For any facility, equipment or source operation that is subject to a NO_x emissions limit under this subchapter as set forth at N.J.A.C. 7:27-1 9.5(d), 19.7(h), or 19.8(e), the owner or operator shall submit to the Department in writing a proposed NO_x control plan for the facility by February 7, 2006. In the proposed NO_x control plan, the owner or operator shall include:

1. A list of each source operation or item of equipment at the facility that has the potential to emit more than 10 tons of NOx per year and is not listed in N.J.A.C. 7:27-19.2(b) or (c). In the list, the owner or operator shall briefly

7:27-19.27 Use of NO_x budget allowances by a former DER credit user

(a) A former DER credit user who used DER credits to comply with a NO_x emissions limit under this subchapter, and who would continue to require the use of DER credits to comply with that limit, may use NO_x budget allowances, as defined by the provisions of N.J.A.C. 7:27-31, to achieve compliance with the applicable NO_x RACT emission limits of this subchapter.

(b) The number of NO_x budget allowances to be retired during any given calendar year pursuant to (a) above shall be determined as follows:

1. Determine the allowable NO_x emissions for the equipment or control apparatus for the calendar year in question by calculating the quantity of NO_x emissions in tons per year (tpy) which would be allowed for the equipment or control apparatus. The allowable NO_x emissions for a single fuel shall be the total BTU (higher heating value) burned in the calendar year times the maximum allowable NO_x emission rate, in pounds per million BTU, for the equipment or control apparatus in question, converted to tons per year (by dividing by 2,000). The allowable NO_x emissions for a stationary internal combustion engine shall be the total number of horsepower hours produced in the calendar year times the maximum allowable NO_x emission rate, in grams per horsepower hour, for the equipment or control apparatus in question, converted to tons per year (by dividing by 908,000). Maximum allowable NO_x emission rates are codified at N.J.A.C. 7:27-19.4(a), Table 1; 19.5(a), Table 2; 19.5(b), Table 3; 19.7(b), Table 4; 19.7(c), Table 5 and N.J.A.C. 7:27-19.8(a), (b) and (c). If more than one fuel is burned, determine the allowable emissions separately for each fuel and then sum these allowable emissions;

2. Determine the actual NO_x emissions, in tons, for the equipment or control apparatus for the calendar year in question as follows:

i. For a facility using a continuous emissions monitoring system to demonstrate compliance with the requirements of this subchapter pursuant to N.J.A.C. 7:27-19.15(a)1, integrate the measured concentration with a stack gas volumetric flow rate monitor, corrected for oxygen concentration and temperature, and convert it to cumulative tons. Use only instrumentation and methodology approved by the Chief of the Department's Bureau of Technical Services, whose address is set forth at N.J.A.C. 7:27-19.18(m);

ii. For a facility using the average of three one-hour tests to demonstrate compliance with the requirements of this subchapter pursuant to N.J.A.C. 7:27-19.15(a)2, multiply the measured average pounds per hour by the operating hours per calendar year, or multiply the measured average emission factor in pounds per million BTU (higher heating value) by the measured annual fuel use expressed in million BTU per calendar year, based on the higher heating value of the fuel; or

iii. For a stationary internal combustion engine, multiply the measured average emission rate in grams per horsepower hour by the measured annual horsepower hours generated by the engine, then convert into tons by dividing by 908,000;

3. Subtract the allowable NO_x emissions determined in (b)1 above from the actual emissions determined in (b)2 above to yield the quantity of excess NO_x emissions, in tons, from the equipment or control apparatus, that occurred during the calendar year in question; and

4. Take the quantity of excess NO_x emissions calculated under (b)3 above (expressed in tons) and round it up to the next whole number of tons to yield the number of NO_x allowances to be retired.

(c) By April 1 of the year following the calendar year when the NO_x budget allowances were used, the former DER credit user using NO_x budget allowances to comply with the applicable NO_x RACT emission limits set forth in this subchapter shall provide the Department with documentation demonstrating that the appropriate number of allowances has been retired, along with the supporting calculations described in (b) above, using the form set forth at the Appendix to this subchapter, promulgated and incorporated herein by reference.

New Rule, R.2004 d.129, effective April 5, 2004 (Operative April 25, 2004).
See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).

APPENDIX

New Jersey Department of Environmental Protection

Notice of Use of NO_x Budget Allowances

A. General Information

Name of User: _____

User Address: _____

_____

_____

County: _____

User Type of Business: _____

Air Program Interest No. _____

Equipment Permit No. _____.

Location of the equipment at the facility: _____

_____

Name of Contact Person: _____

Telephone Number: _____

E-Mail Address: _____

B. Allowance Information

Calendar Year NO_x Budget Allowances Were Used: _____

Maximum Quantity of Excess Emissions: _____

Number of NO_x Budget Allowances Needed: _____

Specify the NO_x Budget Allowance Serial Number(s): _____ _____

C. Supporting Documentation: This submission is not complete without attached documentation of the calculation of the number of NO_x Budget Allowances Needed using the protocol set forth at N.J.A.C. 7:27-19.27(b).

Confirm attachment of supporting documentation and number of pages: _____

D. Certification by Source Owner or Operator

I certify under penalty of law that I believe the information provided in this Notice of Use, is true, accurate and complete. I am aware that there are significant civil and criminal penalties, including the possibility of fine or imprisonment or both for submitting false, inaccurate or incomplete information.

Signed: _____

Title: _____

This form (and all attachments) are to be submitted to the Department at the applicable address listed below:

If the source is located in Mercer, Middlesex, Monmouth, Ocean or Union County:	If the source is located in Bergen, Essex or Hudson County:
Department of Environmental Protection	Department of Environmental Protection
Air Compliance and Enforcement	Air Compliance and Enforcement
Central Regional Office	Metro Regional Office
Horizon Center, PO Box 407	2 Babcock Place
Trenton, New Jersey 08625-0407	West Orange, New Jersey 07052-5504
If the source is located in Hunterdon, Morris, Passaic, Somerset or Warren County:	If the facility is located in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester or Salem County:
Department of Environmental Protection	Department of Environmental Protection
Air Compliance and Enforcement	Air Compliance and Enforcement
Northern Regional Office	Southern Regional Office
1259 Route 46 East, Building 2	2 Riverside Drive, Suite 201
Parsippany-Troy Hills, New Jersey07054-4191	Camden, New Jersey 08102

New Rule, R.2004 d.129, effective April 5, 2004 (Operative April 25, 2004).
See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).

SUBCHAPTER 20. USED OIL COMBUSTION

Authority

N.J.S.A. 13:1B-3, 13:1D-9 and 26:2C-1 et seq.

Source and Effective Date

R.1999 d.428, effective December 6, 1999 (operative January 8, 2000).
See: 30 N.J.R. 4003(a), 31 N.J.R. 4016(a).

7:27-20.1 Definitions

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

"Air quality impact analysis" means a procedure, entailing the use of an air quality simulation model, for determining whether air contaminant emissions will result in ambient air concentrations that exceed standards established for the protection of human health and welfare and the environment. "Air quality simulation model" means a mathematical procedure, taking into account the dispersive capacity of the atmosphere, meteorological data, topography, and other relevant factors, to predict the concentration of an air contaminant in the ambient air. Such procedure may entail use of a mathematical model or a physical model.

"Ash" means the residue remaining after the burning of a material as tested according to ASTM Standard Test Method for Ash from Petroleum Products by ASTM D482-91, incorporated herein by reference. This specification can be obtained from the ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103.

"Brake fluid" means oil drained from the braking system of a conveyance.

"Combustion unit" means a unit into which fuel is charged and heated to the point at which oxidation occurs and energy is generated.

"Commercial fuel" means solid, liquid, or gaseous fuel normally produced or manufactured, and sold for the purpose of creating useful heat.

"Crankcase oil" means oil drained from the crankcase of a conveyance.

"Do-it-yourselfer used oil collection center" means any site or facility that accepts and/or aggregates and stores used oil collected only from household do-it-yourselfer used oil generators.

"Energy recovery" means the use of heat from combustion for a useful purpose, such as the heating of air or water for space heating or wash water.

"Facility" means the combination of all structures, buildings, equipment, control apparatus, storage tanks, source operations, and other operations that are located on a single site or on contiguous or adjacent sites and that are under common control of the same person or persons. Research and development facilities that are located with other facilities shall be considered separate and independent entities for the purposes of complying with the operating permit requirements of P.L. 1954, c.212 (N.J.S.A. 26:2C-1 et seq.) or any codes, rules, or regulations adopted pursuant thereto.

4. Any permit or order issued pursuant to requirements established at 40 CFR 51, Subpart I (including any preconstruction permit and certificate issued pursuant to N.J.A.C. 7:27-8 or any operating permit issued pursuant to N.J.A.C. 7:27-22); 40 CFR 52.21; 40 CFR Part 70; 40 CFR Part 71; or 40 CFR Part 72.

"Federal Implementation Plan (FIP)" means a plan, or portion thereof, promulgated by EPA pursuant to the CAA to address or otherwise correct all or a portion of an inadequacy in a SIP.

"Final general operating permit" means the version of the general operating permit issued by the Department after completion of the procedures required by this subchapter for a draft general operating permit and a proposed general operating permit.

"Final operating permit" means the version of an operating permit issued by the Department after completion of the procedures required by this subchapter for a draft operating permit and a proposed operating permit.

"Fiscal year" or "FY" means the period from July 1 through June 30. Each fiscal year is designated according to the calendar year in which the end of the period falls. For example, the period from July 1, 1998 through June 30, 1999 is fiscal year 1999, or FY99.

"Former DER credit user" means one who used Discrete Emission Reduction (DER) credits in the three years immediately preceding August 4, 2003 in compliance with the Open Market Emissions Trading Program rules then promulgated at N.J.A.C. 7:27-30 to satisfy the requirements of N.J.A.C. 7:27-16 or 19.

"Fuel cell system" means an electrochemical device that converts the chemical energy in its fuel directly into electricity and heat. This term also includes any associated fuel processor, such as a reformer, that produces the fuel.

"Fugitive emissions" means any air contaminant emissions released directly or indirectly into the outdoor atmosphere which can not reasonably pass through a stack or chimney.

"GACT standard" or "Generally Available Control Technology standard" means a National Emission Standard for a Hazardous Air Pollutant (NESHAP) establishing an emission limitation for a specific category or subcategory of area sources that emit hazardous air pollutants (HAPs), which NESHAP has been promulgated by EPA pursuant to 42 U.S.C. § 7412.

"General operating permit" means a standardized operating permit, which may be used to provide authorization to operate numerous similar source operations, groups of source operations, or facilities, each of which meets the applicability criteria set forth in the general operating permit, and is issued pursuant to the procedures in N.J.A.C. 7:27-22.14.

"Grandfathered" means, in reference to equipment or control apparatus, that construction, reconstruction, or modification occurred prior to the enactment of N.J.S.A. 26:2C-9.2 on June 15, 1967, the initial promulgation of the rules codified at N.J.A.C. 7:27-8, or any subsequent applicable revisions to the rules; and there has been no construction, reconstruction or modification of the equipment or control apparatus.

"Hazardous air pollutant" or "HAP" means an air contaminant listed in or pursuant to 42 U.S.C. § 7412(b).

"Initial operating permit" means the first operating permit issued pursuant to this subchapter which applies to a particular facility, or a portion thereof.

"Insignificant source operation" means equipment or a source operation which is one of the following:

1. Equipment or a source operation which is the same type as is included within a category described in paragraphs 1, 3, 4, 5, 7, 8, 9, 11, 14, 16, 17, 18, or 19 in the definition of "significant source operation," but which is excluded from the category because it does not meet an applicability threshold set forth in the description of the category. That is, the equipment or source operation has a lower capacity, weight of materials processed, vapor pressure, or consumption of BTUs, or otherwise falls outside a parameter that is included in the description of the category;

2. A stationary storage tank or mixing or blending vessel, provided that 2i, ii and iii below are satisfied:

i. The tank or vessel is one of the following:

(1) A tank used solely to store a food-grade liquid, which in its stored form is intended as food for direct human consumption. For the purposes of this subparagraph, food-grade liquids do not include liquids stored in a concentrated form; vitamins and drugs; or food additives, preservatives, or other ingredients that in their stored or manufactured form are not intended for direct human consumption;

(2) A tank used to store liquids, provided that:

(A) The operating temperature of the tank is not greater than 350 degrees Fahrenheit; and

(B) The vapor pressure of the liquid, excluding the vapor pressure of water, is less than 0.02 pounds per square inch absolute at the liquid's actual temperature or at 70 degrees Fahrenheit, whichever temperature is higher; or

(3) Any of the following vessels used to mix and blend liquids, if the vessel would otherwise be classified as a significant source solely because it meets the criteria in paragraph 6 of the definition of "significant source":

(A) A vessel with a capacity of 1,000 gallons or greater in which the mixing or blending of liquids takes place in a non-reactive process, provided that:

I. The operating temperature of the vessel is not greater than 350 degrees Fahrenheit; and

II. The vapor pressure of the liquid, excluding the vapor pressure of water, is less than 0.02 pounds per square inch absolute at the liquid's actual temperature or at 70 degrees Fahrenheit, whichever temperature is higher;

(B) A vessel with a capacity of less than 1,000 gallons in which the mixing or blending of liquids takes place in a non-reactive process, provided that the vapor pressure of the liquid, excluding the vapor pressure of water, is less than 1.5 pounds per square inch; or

(C) A vessel with a capacity of less than 1,000 gallons in which the mixing or blending of either solids and liquids or solids only takes place in a non-reactive process, provided that:

I. The vapor pressure of any liquid, excluding the vapor pressure of water, is less than 1.5 pounds per square inch; and

II. The vessel is equipped with a control apparatus designed to remove particulate emissions at a minimum efficiency of 99 percent or is located inside a room that is equipped with a control apparatus designed to remove particulate emissions at a minimum efficiency of 99 percent;

ii. The following criteria are met:

(1) The tank or vessel has no visible emissions, exclusive of water vapor, to the outdoor atmosphere;

(2) The tank or vessel does not emit any air contaminant which may cause an odor detectable outside the property boundaries of the facility;

(3) The tank or vessel is not subject to any NESHAPS, MACT, or NSPS air pollution control standards, excluding the NSPS requirements to maintain a record of the contents of the tank or vessel, the period of storage of these contents, and the maximum true vapor pressure of the liquid stored;

(4) The tank's or vessel's potential to emit each TXS and each HAP does not exceed the de minimis reporting thresholds as specified in N.J.A.C. 7:27-8, Appendix 1, Table A for each TXS and Table B for each HAP;

(5) The percentage by weight of all HAPs collectively in the raw material stored in the tank, or mixed or blended in the vessel, is less than 1.0 percent; and

iii. The owner or operator of the. tank or vessel has readily available upon Department request a statement certified in accordance with N.J.A.C. 7:27-1.39, signed by the responsible official, as defined at N.J.A.C. 7:27-1.4, that:

(1) Specifies the contents of the tank or vessel;

(2) Affirms that the tank or vessel meets all of the criteria listed in 1 and 2 above; and

(3) Attests that the tank or vessel is in compliance with all other applicable State or Federal air pollution requirements;

3. Any equipment or a source operation which may emit air contaminant(s) directly or indirectly into the outdoor air and which is not defined either as a significant source operation or an exempt activity; or

4. Equipment or a source operation that would be classified as a significant source solely because it meets the criteria in paragraph 11 in the definition of "significant source," is not a significant source provided that it meets the criteria at subparagraph 4i through iv below:

i. The equipment or source operation is one of the following:

(1) A microturbine with less than 500 kilowatts generating capacity that is fueled by natural gas and that has been verified according to the requirements in subparagraph 4ii below to emit less than:

(A) 0.40 pounds of NO_x per megawatt hour; and

(B) 0.25 pounds of CO per megawatt hour; or

(2) Any piece of electric generating equipment, other than a fuel cell system or a microturbine, with less than 500 kilowatts generating capacity and that has been verified according to the requirements in subparagraph 4 ii below to emit less than:

(A) 0.40 pounds of NO_x per megawatt hour;

(B) 0.25 pounds of CO per megawatt hour;

(C) 0.10 pounds of PM per megawatt hour; and

(D) 0.01 pounds of SO2, per megawatt hour

ii. A facility with a source identified in subparagraph 4i above shall verify its emissions and demonstrate conformance with emission levels in subparagraph 4i above using one of the options listed in subparagraph 4ii(1) or (2) below. If verification process is not available pursuant to subparagraph 4ii(1) below, or manufacturer testing has not been conducted in accordance with subparagraph 4ii(2) below or has been conducted in accordance with subparagraph 4ii(2) below but has been determined to be not acceptable under subparagraph 4ii(4) below, then the facility shall

demonstrate conformance using subparagraph 4ii(3) below:

(1) An applicable verification process approved by the Department pursuant to the EETV Act, or through TARP. available from the Department's Bureau of Sustainable Communities and Innovative Technologies at (609) 292-9692 or www.state.nj.us/dep/dsr/bscit.htm;

(2) The manufacturer's test protocol, provided the facility maintains on-site for inspection by the Department a copy of the protocol, test data and the test report, and available for Department review or request, and producing documents from the equipment manufacturer that the manufacturer has:

(A) Performed representative source emission testing on a model of equipment;

(B) Had the source emission testing and the test report reviewed and certified by a licensed professional engineer;

(C) Conducted a minimum of three consecutive one-hour test runs, in which the average of the test runs shall not have exceeded the emission limits stated at subparagraphs 4i (A) and (B) above; and

(D) Converted each test run to pounds per megawatt hour before averaging; or

(3) Stack emission testing provided the facility has:

(A) Developed and used, a stack emission testing protocol using the protocol templates in Technical Manual 1004, available at the Department's website www.state.nj.us/dep/bts.html;

(B) Conducted a minimum of three consecutive one-hour test runs, in which the average of the test runs shall not exceed the emission limits stated at 4i(A) and (B) above; and

(C) Converted the results of each test run to pounds per megawatt hour before averaging.

(4) The Department may determine that the manufacturer's testing of a model of the equipment, under subparagraph 4ii(2) above, is not acceptable. The Department's basis for rejecting the manufacturer testing may include, but need not be limited to inappropriate test methods, invalid test data, or test data that indicate emissions above the specified limits;

iii. The owner or operator of the source shall have available on site a statement, certified in accordance with N.J.A.C. 7:27-1.39, by the responsible official, that the source meets all the criteria in subparagraph 4i and ii above. This certification shall be provided to the Department upon request; and

iv. If the Department has reason to believe, as a result of an inspection or otherwise, that equipment or a source operation is emitting NO_x above the specified limits, the Department, at its discretion, may require the owner or operator of a source to submit the certified test report and/or supporting test data to the Department. The Department, at its discretion, may also require the owner or operator of a source to perform source emission testing in accordance with N.J.A.C. 7:27-22.18(e).

"Install" or "installation" means to carry out final setup activities necessary to provide the equipment or control apparatus with the capacity for use or service. This term includes, but is not limited to, the connection of the equipment and control apparatus, associated utilities, piping, duct work or conveyor systems. This term does not include the construction or reconfiguration of equipment or control apparatus to an alternate configuration specified in the permit application and approved by the Department.

"Intermediate product" means one or more desired results of a production process that is made into a product in a subsequent production process at the same industrial facility, without the need for pollution treatment prior to its being made into a product. An intermediate product is not considered nonproduct output. Increases in quantities of intermediate products do not count towards use reduction or nonproduct output reduction goals. This term shall have the same meaning as defined for the term "intermediate product" at N.J.A.C. 7:1K-1.5; if there is any conflict between the definition at N.J.A.C. 7:1K-1.5 and this one, the definition at N.J.A.C. 7:1K-1.5 shall control.

"Lead" or "Pb" means elemental lead or any compound containing lead measured as elemental lead.

"Lowest achievable emission rate" or "LAER" has the meaning assigned to this term at N.J.A.C. 7:27-18.1.

"MACT standard" or "Maximum Achievable Control Technology standard" means a National Emission Standard for a Hazardous Air Pollutant (NESHAP) establishing an emission limitation for a specific category or subcategory of facilities which emit one or more hazardous air pollutants (HAPs), which NESHAP is:

1. Promulgated by EPA pursuant to 42 U.S.C. § 7412; or

2. Determined by the Department on a case-by-case basis pursuant to 42 U.S.C. § 7412(g) or (j).

"Major facility" means a facility which constitutes a major source, as defined by EPA at 40 CFR §70.2 or any subsequent amendments thereto, and that has the potential to emit any of the air contaminants listed below in an amount that is equal to or exceeds the applicable major facility threshold level. The major facility threshold levels are as follows:

Air Contaminant	Major Facility Threshold Level
Carbon monoxide	100 tons per year
PM-10	100 tons per year
TSP	100 tons per year
Sulfur dioxide	100 tons per year
Oxides of nitrogen	25 tons per year
VOC	25 tons per year
Lead	10 tons per year
Any HAP	10 tons per year
All HAPs, collectively	25 tons per year
Any other air contaminant, except CO_2	100 tons per year

"Major Hazardous Air Pollutant (HAP) facility" means a major facility, or part thereof, which emits or has the potential to emit:

1. Ten tons or more per year of any HAP;

2. Twenty five tons or more per year of any combination of HAPs; or

3. Such lesser quantity, or different criterion, as the EPA may establish by rule.

"Manufacturing process" means any action, operation, or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers, and absorbers.

"Maximum allowable emissions" means, for the purpose of this subchapter, the maximum amount of an air contaminant allowed to be emitted, as specified in the final operating permit issued by the Department.

"Microturbine" means a combustion turbine with output of 25 kW to 500 kW.

"Minor modification" means a change made at a permitted facility in accordance with N.J.A.C. 7:27-22.23.

"Modification of a major HAP facility" means, when used at N.J.A.C. 7:27-22.26, any physical change in, or change in the method of operation of, a major HAP facility, which:

1. Increases the facility's actual emissions of any HAP by more than an amount established by EPA as de minimis for that HAP at 40 CFR 63; or

2. Results in the emission of any HAP not previously emitted, in more than the amount established by EPA as de minimis for that HAP at 40 CFR 63.

"Modify" or "modification" means any physical change in, or change in the method of operation of, existing equipment or control apparatus that increases the amount of actual emissions of any air contaminant emitted by that equipment or control apparatus or that results in the emission of any air contaminant not previously emitted. This term shall not include normal repair and maintenance. A modification may be incorporated into an operating permit through a significant modification, a minor modification, or a seven-day-notice change.

"Monitoring" means to evaluate a facility's processes, operations, emissions or other aspects over a period of time. Monitoring can be accomplished using CEMs, COMs, CMS, CPMs, or other measurement or evaluation mechanisms.

"NAICS code" means the North American Industrial Classification System code, assigned by the United States Office of Management and Budget, which classifies establishments according to the type of economic activity in which they are engaged. An NAICS manual is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"National ambient air quality standard" or "NAAQS" means an ambient air quality standard promulgated at 40 CFR 50.

"NESHAP" means a National Emission Standard for a Hazardous Air Pollutant as promulgated under 40 CFR Part 61 or 40 CFR Part 63.

"New facility" means a facility which has not commenced operation as of the applicable date of the provision for which this term is being used.

"New Jersey ambient air quality standard" or "NJAAQS" means an ambient air quality standard promulgated at N.J.A.C. 7:27-13.

"Nonattainment area" means any area of the State:

1. Identified by the Department as one in which the ambient air concentration of a criteria pollutant exceeds a NAAQS or NJAAQS; or

2. Designated by the EPA at 40 CFR 81.331 as an area in which the ambient air concentration of a criteria pollutant exceeds the applicable NAAQS.

"Nonproduct output" or "NPO" means all hazardous substances or hazardous wastes that are generated prior to storage, out-of-process recycling, treatment, control or disposal, and that are not intended for use as a product. Nonproduct output includes fugitive releases. This term shall have the same meaning as defined for the term "nonproduct output" at N.J.A.C. 7:1K-1.5; if there is any conflict between the definition at N.J.A.C. 7:1K-1.5 and this one, the definition at N.J.A.C. 7:1K-1.5 shall control.

"NSPS" means Standards of Performance for new stationary sources as promulgated under 40 CFR 60, commonly referred to as New Source Performance Standards.

"On-specification used oil" is as defined at N.J.A.C. 7:27-20.1.

"Registration form" means the online or paper form the Department requires a registrant to submit to the Department to register the following:

1. A general operating permit; or

2. One or more used oil space heaters in accordance with N.J.A.C. 7:27-20.3.

"Regulated air contaminant" means the same as the term "regulated air pollutant" as defined by EPA at 40 CFR § 70.2 or any subsequent amendments thereto.

"Renewal" means the procedure set forth at N.J.A.C. 7:27-22.30 by which an applicant may seek reissuance of an operating permit prior to its expiration date.

"Replace" means, in respect to equipment or control apparatus, to remove equipment or control apparatus and place or install a different piece of equipment or control apparatus at the same location and at the same point in the manufacturing process, provided that the newly placed equipment or control apparatus serves the same function, in the same manner.

"Replicable procedure" means a procedure, including any sampling, source emissions testing, or other monitoring procedure, which gives the same result when administered on a different occasion or by a different person.

"Reporting year" means the calendar year during which emissions reported in an Emission Statement were emitted , except that carbon monoxide emissions emitted in December of the preceding calendar year shall also be reported as part of the peak carbon monoxide season emissions in a given year.

"Research and development facility" means any facility the primary purpose of which is to conduct research and development into new processes and products, including academic and technological research and development, provided that such a facility is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale, except in a de minimis manner.

"Responsible official" has the meaning defined for this term at N.J.A.C. 7:27-1.4.

"Risk assessment" means a procedure for characterizing the probability that potential exposure to air contaminants will result in adverse effects on human health, or welfare or the environment.

"Seven-day notice change" means, for the purpose of this subchapter, a change made at a facility covered by an operating permit in accordance with N.J.A.C. 7:27-22.22.

"Shutdown" means to discontinue use of a process, piece of equipment, control apparatus, or a source operation.

"SIC code" means the Standard Industrial Classification code, assigned by the United States Office of Management and Budget, which classifies establishments according to the type of economic activity in which they are engaged. An SIC manual is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

"Significant modification" means a change made at a facility covered by an operating permit and incorporated into the operating permit in accordance with N.J.A.C. 7:27-22.24.

"Significant net emission increase" means an emission increase of any air contaminant determined pursuant to the procedures set forth in N.J.A.C. 7:27-18.7 to be a significant net emission increase.

"Significant source operation" means any source operation which is one the following unless the source operation is explicitly specified, in the definition of "exempt activity," as an exempt activity, and unless the source operation is explicitly specified, in paragraphs 1, 2 or 4 of the definition of "insignificant source," as an insignificant source:

1. Equipment that is used in a surface coating operation including, but not limited to, spray or dip painting, roller coating, electrostatic depositing, surface stripping or spray cleaning in which the quantity of coating or cleaning material used in any one hour is equal to or greater than one half gallon;

2. Dry cleaning equipment:

3. A surface cleaner that uses a cleaning solution containing five percent or more VOCs, HAPs, or VOC and HAP combined, and which is:

i. An unheated open top surface cleaner with a top opening of greater than six square feet (0.56 square meters) or a capacity greater than 100 gallons;

ii. A heated open top surface cleaner;

iii. A conveyorized surface cleaner; or

iv. A stationary spray cleaning or surface stripping operation using one half gallon or more of cleaning solution in any one hour;

4. Equipment that shreds wood, if the engine powering the equipment has a maximum rated gross heat input of 1,000,000 BTU per hour or greater; or

5. Equipment, in addition to a surface cleaner as set forth in paragraph 3 above that has a capacity of more than 100 gallons and that is used in a process involving surface cleaning or preparation including, but not limited to, degreasing, etching, pickling, plating, chromium electroplating, or chromium anodizing;

6. Equipment in which the combined weight of all raw materials used exceeds 50 pounds in any one hour, provided:

i. Such equipment shall not include equipment which is the same type as is included within a category described in paragraphs 1, 3, 4 or 5 above, or in paragraphs 7, 8, 9, 11, 14, 16, 17, 18 or 19 below; but which is excluded from the category because it does not meet an applicability threshold set forth in the description of the category. That is, the equipment has a lower capacity, weight of materials processed, vapor pressure, or consumption of BTUs, or otherwise falls outside a parameter that is included in the description of the category;

ii. In determining the weight of the raw materials used, the weight of the following shall be excluded:

(1) Air;

(2) Water;

(3) Containers, provided that the container is not consumed as part of the operation of the equipment; and

(4) Paper, metal, or plastic that is twisted, bent, or folded, in the equipment, provided that the twisting, bending, or folding does not cause visible emissions or air pollution;

7. Stationary storage tanks which have a capacity in excess of 10,000 gallons and which are used for the storage of liquids, except water or distillates of air, not including a storage tank maintained under a pressure greater than one atmosphere provided that any vent serving such storage tank has the sole function of relieving pressure under emergency conditions;

8. Stationary storage tanks which have a capacity of 2,000 gallons or greater and which are used for the storage of a VOC or mixture of VOCs having a vapor pressure or sum of partial pressures of 0.02 pounds per square inch absolute (one millimeter of mercury) or greater at standard conditions, not including a storage tank maintained under a pressure greater than one atmosphere provided that any vent serving such storage tank has the sole function of relieving pressure under emergency conditions;

9. Tanks, reservoirs, containers and bins which have a capacity in excess of 2,000 cubic feet and which are used for the storage of solid particles;

10. Stationary material handling equipment using pneumatic, bucket or belt conveying systems from which direct or indirect emissions of air contaminants occur;

11. Commercial fuel burning equipment, except for a source listed in paragraph 20 below, that has a maximum rated heat input of 1,000,000 BTU per hour greater to the burning chamber, including emergency generators;

12. Except where a registration has been filed pursuant to N.J.A.C. 7:27-20.3, any equipment that is used for the burning of noncommercial fuel, crude oil or process by-products in any form. This includes off-specification used oil, processed used oil fuel, or on specification used oil as defined in N.J.A.C. 7:27-20.1;

13. Any incinerator, except incinerators constructed, installed or used in one or two-family dwellings or in multi-occupied dwellings containing six or less family units, one of which is owner occupied;

14. Any waste or water treatment equipment which may emit air contaminants including, but not limited to, air stripping equipment, aeration basins, surface impoundments, lagoons, sludge tanks, dewatering equipment, soil cleaning equipment, conveying equipment, digesters, thickeners, flocculators, driers, fixation equipment, composting equipment, pelletizing equipment and grit classifying equipment. For water treatment equipment, the concentration in the water of any TXS must equal or exceed 100 parts per billion by weight or the total concentration in the water of VOC must equal or exceed 3,500 parts per billion by weight;

15. Equipment used for the purpose of venting a closed or operating dump, sanitary landfill, hazardous waste landfill, or other solid waste facility, directly or indirectly into the outdoor atmosphere including, but not limited to, any transfer station, recycling facility, or municipal solid waste composting facility;

16. Any source operation or equipment that has the potential to emit any Group 1 or Group 2 TXS (or a combination thereof) at a rate greater than 0.1 pounds per hour (45.4 grams per hour);

17. A transfer operation involving gasoline or other VOCs regulated under N.J.A.C. 7:27-16.3 or 16.4, or a marine tank vessel loading or ballasting operation regulated under N.J.A.C. 7:27-16.5, if the operation is required to have a control device other than bottom fill or submerged fill;

18. Equipment that is used in a graphic arts operation including, but not limited to, newspaper, lithographic, gravure, flexographic, letterpress and screen printing, in which the quantity of ink, fountain solution, or cleaning material used in any one hour is equal to or greater than one half gallon;

19. Welding equipment, if the weight of the welding rod or welding wire used in the process is greater than 12 pounds in any calendar day;

20. Any stationary reciprocating engine with a maximum rated power output of 37 kW or greater, used for generating electricity, not including emergency generators.

"Source emission testing" means the testing of a discharge of any air contaminant from a source operation through any stack or chimney.

"Source operation" means any process, or any identifiable part thereof, that emits or can reasonably be anticipated to emit any air contaminant either directly or indirectly into the

Case Notes

DEP complied with all Federal and State statutory and regulatory provisions in issuance of permit. In the Matter of NJPDES Permit No. N.J. 0055247, et al., 216 N.J.Super. 1, 522 A.2d 1002 (App.Div.1987) certification denied 108 N.J. 185, 527 A.2d 1390 (1987).

7:27-22.14 General operating permits

(a) The Department may promulgate a rule to issue one or more general operating permits, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-2 et seq. The Department may also publish a technical manual for each general permit, pursuant to N.J.S.A. 13:1D-111. The technical manual shall contain the information required under N.J.S.A. 13:1D-111, including, but not limited to, information that details and clarifies the Department's interpretation of standards or other requirements that are not defined by regulation. However, if the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., establishes an alternative procedure for issuing general permits without rulemaking under the Administrative Procedure Act, the Department will issue general permits in accordance with that procedure. Otherwise, in issuing a general permit, the Department shall comply with:

1. The Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.;

2. The public comment procedures set forth at N.J.A.C. 7:27-22.11;

3. EPA comment procedures set forth at N.J.A.C. 7:27-22.12;

4. Any other procedural requirements related to the issuance of an operating permit; and

5. N.J.S.A. 13:1D-111.

(b) In accordance with the procedures set forth in this section, an owner or operator may apply to the Department for authorization under a general operating permit to operate any source operation, group of source operations, or facility which meets the applicability criteria set forth in a general operating permit issued by the Department. A separate application for a preconstruction permit is not required. Approval of the general operating permit shall also constitute preconstruction permit approval. If the general operating permit applies to the entire facility, the general operating permit may serve as the operating permit for the facility. If the general operating permit applies to a part of the facility, the general operating permit may serve as a component of the operating permit for the facility.

(c) A general operating permit is available for the following sources:

1. Equipment in which the combined weight of all raw materials used exceeds 50 pounds in any one hour, in accordance with paragraph 6 in the definition of "significant source operation" N.J.A.C. 7:27-22.1, provided the emissions of all air contaminants are less than the reporting threshold specified in the General Operating Permit. In determining the weight of the raw materials used, the weight of the following shall be excluded, in accordance with subparagraph 6ii in the definition of "significant source operation" in N.J.A.C. 7:27-22.1:

i. Air;

ii. Water;

iii. Containers, provided that the container is not consumed as part of the operation of the equipment; and

iv. Paper, metal, or plastic that is twisted, bent or folded, in the equipment, provided that the twisting, bending, or folding does not cause visible emissions or air pollution.

(d) In an application for authorization to operate under a general operating permit, the owner or operator shall demonstrate how the facility or portion thereof:

1. Meets the applicability criteria set forth in the general operating permit; and

2. Will comply with all of the conditions of the general operating permit.

(e) The Department shall grant a facility's request to operate under a general operating permit without repeating the public and EPA comment procedures specified in (a) above if the general operating permit includes applicable requirements for all relevant source operations at the facility.

(f) A permittee shall operate a facility, or any portion thereof, for which authorization to operate under a general operating permit has been obtained from the Department, according to the terms and conditions of the general operating permit.

Amended by R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).
See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a).
Public Notice: General operating permit 001—drycleaning operation.
See: 35 N.J.R. 3721(a).
Public Notice: Small Emitter General Permit (SEGAP)(GOP-002)
36 N.J.R. 4543(b).
Administrative change.
See: 37 N.J.R. 4912(a).

7:27-22.15 Temporary facility operating permits

(a) The Department may issue an operating permit to an owner or operator of a temporary facility which authorizes operation in more than one location during the term of the operating permit, provided that all locations at which the facility may be operated are listed in the operating permit.

(b) An operating permit issued for a temporary facility shall require the permittee to:

1. Comply with all applicable requirements at all locations at which the temporary facility is operated;

2. Comply with all other applicable provisions of this chapter; and

3. Provide written notice, received at least 10 days in advance of each change in location, to:

i. The mayor of the municipality, or if there is no mayor, the governing body of the municipality to which the facility will be moved;

ii. The board of chosen freeholders or other governing body of the county to which the facility will be moved;

iii. The local health agency, certified pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. (CEHA), and its implementing regulations, N.J.A.C. 7:1H, in the county to which the facility will be moved; and

iv. The Department at the address given at N.J.A.C. 7:27-22.3(t) and the address given below:

NJDEP
Air and Environmental Quality Enforcement
401 E. State Street
CN 422
Trenton, NJ 08625-0422

(c) The notice required pursuant to (b)3 above shall include:

1. The location being vacated;

2. The location to which the facility will be moved;

3. The name, address, and telephone number of the permittee;

4. The Department assigned permit number, which identifies the operating permit; and

5. As to the local officials identified in (b) above, a copy of the operating permit.

(d) An operating permit issued for a temporary facility shall not relieve any person from the obligation to comply with any provision of this chapter, to obtain any other necessary authorization from other governmental agencies, or to comply with all other applicable Federal, State, and local laws, rules or regulations.

(e) In accordance with N.J.A.C. 7:27-22.29(g), a facility subject to EPA's acid deposition control program pursuant to Title IV of the CAA, 42 U.S.C. § 7651 et seq., shall not be eligible for a temporary facility operating permit.

Amended by R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).
See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a).

7:27-22.16 Operating permit contents

(a) The Department will include in each operating permit, drafted for, or issued to, a facility, emission limitations and standards, including any operational requirement necessary to assure compliance with all applicable requirements which apply to a source operation or a group of source operations or to the facility as a whole at the time of permit issuance.

(b) For each significant source operation at the facility, or, if applicable, for each group of source operations or for the entire facility, the operating permit shall:

1. Specify each applicable requirement and each associated permit condition, including any emission limitations and standards and any operational requirements;

2. Cite to the specific legal authority, including any State or Federal rule or regulation or any permit, which establishes the applicable requirement and any associated permit conditions;

3. Identify any difference in form between the permit condition and the applicable requirement upon which the permit condition is based;

4. Specify the compliance assurance method (including a reference, if applicable, to where the method is published) required to be used to determine compliance with the permit condition; and

5. Specifically designate as not being Federally enforceable any permit condition based on an applicable state requirement.

(c) If any other applicable Federal requirement is more stringent than an applicable requirement of EPA's acid deposition control regulations, both requirements shall be set forth in the operating permit pursuant to (b) above and both shall be enforceable by the Department and EPA.

(d) An operating permit may contain an alternative emission limit pursuant to N.J.A.C. 7:27-22.3(m), if:

1. The applicant has proposed the alternative emission limit in the application for the operating permit;

2. The applicant has proposed procedures that ensure that the alternative emissions limit is quantifiable, accountable, enforceable, and based on replicable procedures;

3. The Department has determined, based on an equivalency demonstration provided by the applicant, that the alternative emissions limit proposed by the applicant is equivalent to, or more stringent than, that contained in an applicable requirement; and

4. The Department determines that the alternative emission limit is consistent with the SIP.

(e) The Department shall incorporate into each operating permit the provisions of any effective preconstruction permit and operating certificate issued for the facility, or any part thereof, if the preconstruction permit or operating certificate was:

(*o*) Any person who submits information to the Department may assert a confidentiality claim for that information in accordance with N.J.A.C. 7:27–1.6. Emissions information, as defined at N.J.A.C. 7:27–1.4, is not confidential. The Department shall process and evaluate confidentiality claims in accordance with N.J.A.C. 7:27–1.6 through 1.30 inclusive.

Amended by R.2000 d.351, effective August 21, 2000 (operative September 29, 2000).
See: 31 N.J.R. 2100(a), 32 N.J.R. 3119(a).
Rewrote (b)2, (e) and (i); in (g), substituted a reference to the Clean Air Markets Division for a reference to the Acid Rain Division; and in (*l*), added a second sentence.
Amended by R.2004 d.129, effective April 5, 2004 (operative April 25, 2004).
See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).
In (*l*), inserted "except as provided at N.J.A.C. 7:27–19.27 amd 31.6" in the first sentence and substituted "This" for "The" in the second sentence.

7:27–31.4 Opt-in provisions

(a) An owner or operator of a stationary source, that vents all of its NO_x emissions to one or more stacks and is neither a fossil fuel fired indirect heat exchanger with a maximum rated heat input capacity of at least 250 MMBtu per hour nor an electric generating unit with a rated output of at least 15 MW, may request approval from the Department to opt the source into the NO_x Budget Program in accordance with the provisions of this section.

(b) Any person seeking to opt a stationary source into the NO_x Budget Program shall submit the information required by this section, on application forms obtained from the Department, to the following address:

ATTN: NO_x BUDGET OPT-IN
New Jersey Department of Environmental Protection
Office of Air Quality Management
401 East State Street
PO Box 418
Trenton, NJ 08625–0418

(c) An application submitted pursuant to (b) above shall include the following information:

1. Identification of the owner of the proposed opt-in source, including the name of the company, its mailing address, and telephone number;