

In (k), inserted "approval by the Department of a" following "No" in the first sentence, and changed N.J.A.C. reference in the second sentence; rewrote (l); and added (o).

Amended by R.2002 d.53, effective February 4, 2002 (operative March 12, 2002).

See: 33 N.J.R. 3290(a), 34 N.J.R. 756(a).

In (a), substituted "or control apparatus serving the significant source" for "that is not covered by a permit and certificate"; in (b), inserted "or control apparatus serving the significant source" preceding "without".

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).

Reserved (k) and (l); rewrote (o).

Amended by R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).

See: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).

Deleted (o).

Law Review And Journal Commentaries

New Rules Establish Clean Air Act Standards, 132 N.J.L.J. No. 8, S10 (1992).

State Operating Permits Bring Major changes to New Jersey's Air Pollution Control Program. Paul H. Schneider, Peter L. Benza, 160 N.J.Law. 20 (Mag.) (April 1994).

Case Notes

Temporary operating certificate was license entitling operator to hearing prior to nonrenewal. New Jersey Dept. of Environmental Protection v. Atlantic States Cast Iron Pipe Co., 241 N.J.Super. 591, 575 A.2d 895 (A.D.1990).

Orders to cease violation of failure to obtain a permit and certificate to install and operate furnace boosting equipment were upheld. Midland Glass Co., Inc. v. Dept. of Environmental Protection, 136 N.J.Super. 194, 345 A.2d 353 (App.Div.1975), certification dismissed 70 N.J. 152, 358 A.2d 199 (1976).

Permit requirement for structural changes. D.E.P. v. Midland Glass Co., 145 N.J.Super. 108, 366 A.2d 1343 (App.Div.1976), certification denied 73 N.J. 65, 372 A.2d 330 (1977).

Failure to fulfill stack testing conditions set forth in permits for asphalt plants warranted imposition of civil penalties. Department of Environmental Protection v. Hamilton, 95 N.J.A.R.2d (EPE) 63

Violations of Solid Waste Management Act warranted imposition of civil penalties totaling \$204,400. Department of Environmental Protection v. Standard Tank Cleaning, 95 N.J.A.R.2d (EPE) 31.

Incineration company violated permit and certificate; penalties imposed based upon current regulations. New Jersey Department of Environmental Protection v. Trofe Incineration Inc. 93 N.J.A.R.2d (EPE) 177.

Storage of hazardous chemical and use of reactor without proper permit; penalty. Department of Environmental Protection, Div. of Environmental Quality v. Polymer Systems Corp., 93 N.J.A.R.2d (EPE) 133.

Perforation of gasoline pump nozzle "vapor boot"; air pollution penalty assessed. New Jersey Department of Environmental Protection v. Columbus Texaco, 92 N.J.A.R.2d (EPE) 235.

Both "smog hog"/electrostatic precipitator and "Binks" spray booth were control apparatus requiring permits and operating certificates. Affiliated Manufacturers, Inc. v. State of New Jersey, 92 N.J.A.R.2d (EPE) 186.

Use of temporary certificate application as emissions limitations under certificate was not improper; stack tests established violations.

U.S. Intec., Inc. v. Department of Environmental Protection, 92 N.J.A.R.2d (EPE) 167.

Attaching control apparatus to ovens and kilns without appropriate permit constituted air pollution violation; penalty imposed. Certech, Inc. v. Division of Environmental Quality, 92 N.J.A.R.2d (EPE) 21.

7:27-8.4 How to apply, register, submit a notice, or renew

(a) This subchapter applies to:

1. Application for a preconstruction permit and operating certificate;
2. Application for a preconstruction permit and operating certificate for an environmental improvement pilot test;
3. Application for a preconstruction permit and operating certificate revision;
4. Application for a compliance plan change;
5. Registration of one or more sources under a general permit;
6. Registration of one of more used oil space heaters;
7. Notice of a seven-day-notice change;
8. Notice of an amendment to a preconstruction permit and operating certificate;
9. Notice of an amendment to a preconstruction permit and operating certificate for an environmental improvement pilot test;
10. Notice of an amendment to a registration;
11. Renewal of an operating certificate; and
12. Renewal of a registration.

(b) The actions listed at (a)1 through 12 above shall be submitted in accordance with (c) below on forms obtained from the Department. These forms, and information about these actions, may be obtained in the following ways:

1. In paper form, by contacting the Department at:

Bureau of Preconstruction Permits
Air Quality Permitting Element
Division of Air Quality
Department of Environmental Protection
401 East State Street, Second Floor
PO Box 027
Trenton, New Jersey 08625-0027
Telephone: (609) 292-6716 or 1-800-441-0065
Website: <http://www.state.nj.us/dep/aqpp>; or

2. In electronic form, through the Department's Remote AIMS Data Input User System (RADIUS) or Electronic New Jersey Environmental Management System (e-NJEMS), which can be accessed through the Department's website at the address in (b)1 above.

(c) A completed electronic or paper application form, registration form, notice or renewal application stub and renewal fee payment shall be submitted as follows:

1. Prior to January 1, 2008, a completed application form or notice shall be submitted to the Department on paper in accordance with (c)6 below, electronically other than via the Internet in accordance with (c)6 below, or electronically via the Internet, if available, in accordance with (c)7 below.

2. On or after January 1, 2008, a completed application form or notice shall be submitted to the Department electronically other than via the Internet in accordance with (c)6 below, or electronically via the Internet, if available, in accordance with (c)7 below.

3. Prior to January 1, 2010, a completed registration form shall be submitted to the Department on paper in accordance with (c)6 below, electronically other than via the Internet in accordance with (c)6 below, or electronically via the Internet, if available, in accordance with (c)7 below.

4. On or after January 1, 2010, a completed registration form shall be submitted to the Department electronically via the Internet, if available, in accordance with (c)7 below.

5. A completed renewal application stub and renewal fee payment shall be submitted on paper in accordance with (c)6 below, electronically other than via the Internet in accordance with (c)7 below, and in accordance with all other rules in this subchapter regarding renewals including, but not limited to, N.J.A.C. 7:27-8.4(a), (f) and (n); 8.7(e) and (f); 8.13(b)1 and 2; 8.14(d); and 8.16(a)5.

6. A submission on paper, or on a removable electronic medium using one of the non-Internet-based electronic methods listed at <http://www.state.nj.us/dep/agpp>, shall be sent via the postal service, a delivery service, or otherwise delivered, to the address listed on the application form, registration form, renewal application stub or listed in the non-Internet-based electronic method. If a person wishes to document the date upon which a completed application form, registration form, notice or renewal application stub and renewal fee payment is submitted, the person may submit the application form, registration form, notice or renewal application stub and renewal fee payment in a way that will provide documentation of the submittal date, such as by certified mail.

7. An Internet-based electronic submission shall be through an Internet-based electronic method listed at <http://www.state.nj.us/dep/agpp>. If a person wishes to document the date of the Internet-based electronic submission, the

person may print the appropriate website confirmation screen.

(d) An application, registration or notice shall contain such details regarding the equipment or control apparatus as necessary to determine that the equipment or control apparatus is designed to operate without causing a violation of any relevant State or Federal laws or regulations. In addition, if a source is required to document advances in the art of air pollution control (or SOTA) under N.J.A.C. 7:27-8.11, Standards for issuing a permit, the Department shall require information necessary to determine compliance with the SOTA requirement in accordance with N.J.A.C. 7:27-8.12, State of the art. Information required under this subsection may include description of processes, raw materials used, operating procedures, physical and chemical nature of any air contaminant, volume of gas discharged, and such other information as the Department considers necessary.

(e) All information submitted to the Department shall be public information except that which is designated confidential in accordance with N.J.S.A. 26:2C-9.2 and N.J.A.C. 7:27-1. To claim information submitted as part of an application, registration or notice as confidential information, the applicant shall clearly mark the information as required at N.J.A.C. 7:27-1.6. The Department shall handle the confidentiality claim in accordance with N.J.A.C. 7:27-1.6 through 1.30.

(f) Before an operating certificate, or any renewal thereof, is approved, the Department may require the applicant to conduct such testing as is necessary, at the discretion of the Department, to verify that the kind and amount of air contaminants emitted from the equipment or control apparatus are in compliance with the limits established in the preconstruction permit and certificate and that only the air contaminants approved in the preconstruction permit are being emitted. If such testing is required, the applicant shall:

1. Submit a source-specific testing protocol to the Department, if such a protocol is required in the conditions of approval of the preconstruction permit or certificate. The protocol shall be submitted at least 60 days prior to the anticipated date of the testing, except where the Department determines that a different submittal date is needed to allow for adequate testing;

2. Obtain approval of any required source-specific testing protocol from the Department in advance of conducting the testing;

3. Conduct the testing in accordance with a standard testing procedure acceptable to the Department or the approved source-specific testing protocol approved in advance by the Department;