

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Department" means the Department of Environmental Protection.

"Direct heat exchanger" means equipment in which heat from the combustion of fuel is transferred to a substance being heated so that the latter is contacted by the products of combustion and may contribute to the total effluent.

"Equipment" means any device capable of causing the emission of an air contaminant into the open air and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

"Fuel" means solid, liquid or gaseous materials used to produce useful heat by burning.

"Heat input rate" means the rate at which the aggregate heat content based on the higher heating value of the fuel is introduced into the fuel burning equipment.

"Isokinetic" means a method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"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.

"Marine installation" means equipment for propulsion, power or heating on all types of marine craft and floating equipment.

"Maximum allowable emission rate" means the maximum amount of air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

"Particles" means any material, except uncombined water, which exists as liquid particles or solid particles at standard conditions.

"Performance test principle" means a concept of measurement as required for determining compliance with a specific standard for the emission of air contaminants.

"Sampling train" means a combination of entrapment devices, instruments, and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

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

"Stack or chimney" means a flue, conduit or opening designed, constructed, and/or utilized for the purpose of emitting air contaminants into the outdoor air.

"Standard conditions" means or shall be 70 degrees Fahrenheit and one atmosphere pressure (14.7 psia or 760 mm Hg).

7:27-4.2 Standards for the emission of particles

(a) No person shall cause, suffer, allow or permit particles arising from the combustion of fuel to be emitted from any stack or chimney into the outdoor air in excess of the maximum allowable emission rate set forth in the following table. For a heat input rate between any two consecutive rates shown, the maximum allowable emission rate shall be determined by interpolation:

Heat Input Rate (Millions of British Thermal Units per Hour)	Maximum Allowable Emission Rate (Pounds per Hour)
1	00.6
10	06
20	08
30	09
40	10
50	11
60	12
70	13
80	14
90	14.5
100	15
120	16.5
140	17.5
160	18.5
180	19.3
200	20
400	40
600	60
800	80
1,000	100
2,000	200
3,000	300
4,000	400
5,000	500
6,000	600
7,000	700
8,000	800
10,000	1,000

Note: Heat input rate shall be the sum of the heat input rates of all fuel burning equipment discharging through a single stack or chimney.

7:27-4.3 Performance test principle

(a) For purposes of measuring emissions in accordance with the provisions of this subchapter, particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the particles determined gravimetrically after removal of uncombined water.

(b) The measured emission weight shall be the combined weight of all particles collected and analyzed in accordance with the sampling and analytical procedures set forth in N.J.A.C. 7:27B-1.1 et seq.

7:27-4.4 Emission tests

(a) Any person responsible for the emission of particles, arising from the combustion of fuel shall, when requested by the department, provide such sampling facilities exclusive of instrumentation and sensing devices as may be necessary for the department to determine the rate at which the particles are or may be discharged from the fuel burning operation.

(b) During such testing by the department, the fuel burning operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the equipment as may be requested by the department.

(c) 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.

7:27-4.5 (Reserved)

Repealed 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).

Section was "Permit to construct, install or alter certificate to operate".

7:27-4.6 Exceptions

(a) The provisions of this subchapter shall not apply:

1. When the heat input rate to the fuel burning equipment is less than 1,000,000 British Thermal Units per hour;
2. To marine installations, vehicles or other movable or portable equipment;
3. To direct heat exchangers.

SUBCHAPTER 5. PROHIBITION OF AIR POLLUTION

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 26:2C-1 et seq. and were filed and became effective prior to September 1, 1969. Revisions to this subchapter were filed on August 5, 1977, as R.1977 d.284 to become effective on October 12, 1977. See: 8 N.J.R. 375(a), 9 N.J.R. 420(a). Petition for Rulemaking: Petition to amend provisions regarding public entity odor violations; petition denied. See: 24 N.J.R. 1642(c), 24 N.J.R. 1907(c), 24 N.J.R. 3764(b).

7:27-5.1 Definitions

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

"Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property throughout the State and in such territories of the State as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

"Economic poisons" means those chemicals used as insecticides, rodenticides, fungicides, herbicides, nematocides or defoliants.

Law Review and Journal Commentaries

Defending Odor Lawsuits Takes a Nose for Nuisance. Albert I. Telsey, 134 N.J.L.J. No. 9, S14 (1993).

7:27-5.2 General provisions

(a) Notwithstanding compliance with other subchapters of this chapter, no person shall cause, suffer, allow or permit to be emitted into the outdoor atmosphere substances in quantities which shall result in air pollution as defined herein.

(b) The provisions of subsection (a) of this section shall not apply to the use of economic poisons.

Public Notice: Air Pollution Investigation Guidelines.
See: 28 N.J.R. 198(a).

Law Review and Journal Commentaries

Defending Odor Lawsuits Takes a Nose for Nuisance. Albert I. Telsey, 134 N.J.L.J. No. 9, S14 (1993).

Case Notes

Release of air pollutants into outdoor atmosphere during course of fire of unknown origin rendered manufacturer strictly liable. Department of Environmental Protection v. Leeds, 95 N.J.A.R.2d (EPE) 137.

Peach orchard owner was not entitled to air pollution exemption under New Jersey Right to Farm Act. Department of Environmental Protection v. Smith Brokers, Inc. 93 N.J.A.R.2d (EPE) 149.

Wind-blown sand was air contaminant; activities of sand company resulted in air pollution. Division of Environmental Quality v. McCormack Aggregates, 93 N.J.A.R.2d (EPE) 37.

Evidence proved air pollution from sewage plant; penalty assessed. Division of Environmental Quality v. Township of Cedar Grove, 92 N.J.A.R.2d (EPE) 252.

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.

Odor emitted by chemical manufacturing facility constituted air pollution; penalty assessed. *Givaudan Corporation v. New Jersey Department of Environmental Protection*. 92 N.J.A.R.2d (EPE) 130.

Odor emanating from municipal leaf compost pile constituted "air pollution". *Borough of Ridgefield v. New Jersey Department of Environmental Protection*. 92 N.J.A.R.2d (EPE) 127.

Odor constituted "air pollution"; penalty assessed. *A.O. Polymer Corporation v. Department of Environmental Protection*. 92 N.J.A.R.2d (EPE) 115.

Evidence failed to establish that claimed air pollution blew on complainant's property; no violation and no penalty. *New Jersey Department of Environmental Protection v. Coastal Eagle Point Oil Company, Inc.* 92 N.J.A.R.2d (EPE) 85.

Farmer who obtained permits to perform burning of tree trimmings violated air pollution regulation even though dispersal of ash caused by wind shift; penalty reduced. *DeEugenio & Sons v. Division of Environmental Quality*. 92 N.J.A.R.2d (EPE) 47.

Single complaint about truck filled with asphalt was insufficient to establish violation of air pollution regulation. *Division of Environmental Quality v. Marconi Roofing Company*, 92 N.J.A.R.2d (EPE) 34.

air contaminants emitted is caused by the manufacturing process.

"Fuel" means solid, liquid or gaseous materials used to produce useful heat by burning.

"Glass" means a hard amorphous inorganic substance made by fusing silicates and sometimes borates and phosphates with certain basic oxides.

"Glass manufacturing furnace" means equipment using energy in the form of intense heat for the production of glass.

"Incinerator" means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance, including but not limited to refuse, rubbish, garbage, trade waste, debris or scrap or a facility for cremating human or animal remains.

"Indirect heat exchanger" means equipment in which heat from the combustion of fuel is transferred by conduction through a heat-conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

"Isokinetic" means a method for sampling air contaminants from the gas stream in a stack or chimney in such a manner that the gas stream enters a sampling probe in the same direction and at the same velocity as the gas stream in a stack or chimney.

"Lead glass" means a glass produced from the fusion of silica, alkali and lead oxide, and characterized by a high index of refraction, high light dispersion, high electrical resistance and high density.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"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.

"Maximum allowable emission rate" means the maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

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

SUBCHAPTER 6. CONTROL AND PROHIBITION OF PARTICLES FROM MANUFACTURING PROCESSES

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 26:2C-1 et seq. and were filed on January 27, 1972, as R.1972 d.16 to become effective on March 27, 1972. See: 3 N.J.R. 248(a), 4 N.J.R. 23(b). Revisions were filed on March 21, 1977, as R.1977 d.95 to become effective on May 23, 1977. See: 8 N.J.R. 375(a), 9 N.J.R. 170(c).

7:27-6.1 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 solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Cullett" means broken, waste or recycled glass.

"Department" means the Department of Environmental Protection.

"Dilution gas" means air or as from any source whatsoever added to the source gas emitted from a source operation.

"Equipment" means any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the

"Particles" means any material, except uncombined water, which exists as liquid particles or solid particles at standard conditions.

"Performance test principle" means a concept of measurement as required for determining compliance with a specific standard for the emission of air contaminants.

"Potential emission rate" means the mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air, exclusive of any type of control apparatus.

"Process weight" means the total weight of all materials introduced into a source operation, excluding liquid or gaseous fuel, uncombined water and air.

"Refuse" means rubbish, garbage, trade waste and plant life.

"Sampling train" means a combination of entrapment devices, instruments and auxiliary apparatus arranged in a prescribed sequence to selectively separate and collect samples of specified air contaminants.

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

"Source gas" means air or gases passed through or generated by a source operation and discharged from the source operation.

"Source operation" means any manufacturing process or any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

"Stack or chimney" means a flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

"Standard conditions" means or shall be 70 degrees Fahrenheit and one atmosphere pressure (14.7 psia or 760 mm Hg).

7:27-6.2 Standard for the emission of particles

(a) No person shall cause, suffer, allow or permit particles as measured by the performance test principles set forth in section 3 of this subchapter to be emitted from any source operation, except as provided in subsection (b) of this section, through any stack or chimney into the outdoor air in excess of the maximum allowable emission rate as determined below:

MAXIMUM ALLOWABLE EMISSION RATE FOR PARTICLES

1	2	3	4
Potential Emission Rate from Source Operation (lbs. per hr.)	Allowable Emission Rate (lbs. per hr.) Based on 99% efficiency of Collection.	Source Gas Emitted from Source Operation (Standard cu. ft. per min.)	Allowable Emission Rate (lbs. per hr.) Based on 0.02 grains per SCF.
50 or less	0.5	3,000 or less	0.5
100	1.0	6,000	1.0
1000	10.0	35,000	6.0
2000	20.0	70,000	12.0
3000 or greater	30.0	140,000	24.0
		175,000 or greater	30.0

Instructions:

1. From columns 1 and 2 above, determine the allowable emission rate based upon the potential emission rate of particles from the source operation as measured by the performance test principles set forth in subsections 3(a) and 3(b) of this subchapter;

2. From columns 3 and 4 above, determine the allowable emission rate based upon the source gas emitted from the source operation. Whenever dilution gas is, for any purpose, added to the source gas from a source operation, the source gas emitted shall be considered to be the gas discharge rate prior to such dilution;

3. The greater of the two emission rates as determined from 1 and 2 above shall be the maximum allowable emission rate. For rates between any two consecutive values stated in columns 1 and 3, the corresponding allowable emission rates shall be as determined by interpolation.

(b) The provisions of subsection (a) of this section shall not apply to any glass manufacturing furnace. Such furnace(s) shall be subject to the following:

1. No person shall cause, suffer, allow or permit particles as measured by the performance test principles set forth in section 3(a) and (b) of this subchapter to be emitted from any glass manufacturing furnace through any stack or chimney into the outdoor air in excess of the maximum allowable emission rate, as determined from the equation below:

- i. $A = 5 + (.48 \times W)$;
- ii. $A =$ maximum allowable emission rate (lbs. per hr.);
- iii. $W =$ process weight per hour (tons per hr.).

(c) The provisions of subsection (b) of this section and section 5(b) of this subchapter shall not apply to any glass manufacturing furnace used for the production of lead glass.

(d) No person shall cause, suffer, allow or permit particles to be emitted from any stack or chimney into the outdoor air the shade or appearance of which is greater than 20 per cent opacity, exclusive of visible condensed water vapor.

(e) The provisions of subsection (d) of this section shall not apply to particles the shade or appearance of which is greater than 20 per cent opacity, exclusive of visible condensed water vapor, for a period of not longer than three minutes in any consecutive 30-minute period.

(f) If a paint spray operation meets the definition of a significant source operation under N.J.A.C. 7:27-8 or 22, as applicable, and the operation is constructed, reconstructed, installed, or modified on or after March 31, 1991, the operation shall, at a minimum, be served by particulate control apparatus.

Petition for Rulemaking: Exxon Company petitioned for change to the allowable particle emission rate limit.

See: 25 N.J.R. 1577(c).

Petition for Rulemaking: Petitioners Exxon Corp. and Tosco Corp. sought to lift cap of 30 pounds of particulates per hour; petition granted and amendment to rule to be completed.

See: 24 N.J.R. 1577(c), 25 N.J.R. 1893(b).

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).

Added (f).

Case Notes

Orders for violations of particle emission standards held invalid as testing procedures required to be published by the Department under former N.J.A.C. 7:27-6.3 were not published as of issuance date of orders. *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).

7:27-6.3 Performance test principles

(a) For purposes of measuring emissions in accordance with the provisions of section 2(a) and (b) of this subchapter, particles shall be drawn by isokinetic procedures from the stack or chimney and the weight of the particles determined gravimetrically after removal of uncombined water.

(b) The measured emission weight shall be the combined weight of all particles collected and analyzed in accordance with the sampling and analytical procedures set forth in N.J.A.C. 7:27B-1.

(c) Opacity measurements shall be carried out in accordance with the procedures set forth in N.J.A.C. 7:27B-2.

Case Notes

Orders for violations of particle emission standards held invalid as testing procedures required to be published by the Department under former regulation were not published as of issuance date of orders. *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 70 N.J. 152, 358 A.2d 199 (1976).

7:27-6.4 Emission tests

(a) Any person responsible for the emission of particles from a source operation shall, when requested by the department, provide the facilities and necessary equipment for determining the opacity of emissions being discharged through a stack or chimney and shall conduct such opacity tests using methods approved by the department. Opacity test data shall be recorded in a permanent log at such time intervals as specified by the department and shall be maintained for a period of not less than one year and shall be available for review by the department.

(b) Any person responsible for the emission of particles from a source operation shall, upon request of the department, provide such 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 particles being emitted from the source operation. During such testing by the department, the source

operation shall be operated under normal, routine operating conditions or under such other conditions within the capacity of the source operation 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.

7:27-6.5 Variances

(a) Whenever a person responsible for the emission of particles from a source operation believes that advances in the art of control for the kind and amount of particles emitted has not developed to a degree which would enable the requirements of section 2 of this subchapter to be attained, he may apply to the department for a variance, setting forth his reasons and justifications. The department may issue a variance from section 2(a), (b) and/or (d) of this subchapter and such variance shall be valid for a period not to exceed five years from the date of issuance and may be renewed upon application to the department, setting forth reasons and justifications for its continuation. Variances issued under the provisions of this section shall be conditional on the compliance with any requirements which the department deems to be necessary.

(b) The department may grant a variance from section 2(b) of this subchapter, if the person responsible for the operation of a glass furnace demonstrates, to the satisfaction of the department, that the process weight for the furnace continually consists of greater than 25 per cent by weight cullet. Such variance:

1. Shall not be granted unless the applicant demonstrates compliance with all other requirements of this chapter, including but not limited to compliance with subchapter 13 (Ambient air quality standards) of this chapter, as well as any other requirements the department deems necessary;

2. Shall specify conditions, including but not limited to a maximum allowable emission rate not to exceed the maximum allowable emission rate, as determined from the following table:

CULLET USAGE (Per cent by weight)	MAXIMUM ALLOWABLE EMISSION RATE (lbs. per hr.)
25-35%	$6 + (.48 \times W)$
35-45%	$7 + (.48 \times W)$
45% or more	$8 + (.48 \times W)$

W = process weight per hour (tons per hr.)

3. Shall be valid for a period not to exceed two years from the date of issuance and may be renewed upon application to the department, setting forth reasons and justifications for such renewal.

(c) The department may grant a variance from section 2(d) of this subchapter if the person responsible for the operation of a glass furnace demonstrates, to the satisfaction of the department, that the glass furnace is capable of

conforming with the provisions of sections 2(b) or 5(b) of this subchapter, but not capable of simultaneously conforming with the provisions of section 2(d) of this subchapter. Such variance:

1. Shall not be granted unless the applicant demonstrates compliance with all other requirements of this chapter, as well as any other requirements the department deems necessary;
 2. Shall specify conditions, including but not limited to a requirement that the shade or appearance of the emissions from the glass furnace not exceed a per cent opacity specified by the department;
 3. Shall be valid for a period not to exceed five years from the date of issuance and may be renewed upon application to the department, setting forth reasons and justifications for such renewal.
- (d) Any person seeking a variance under the provisions of subsection (b) and (c) of this section shall file with the department an application on a form provided by the department and shall furnish any other information subsequently requested by the department.

(e) Any person aggrieved by the denial or the prescribed conditions by the department of a variance authorized by this section may, upon application made within 15 days after notice thereof, be entitled to a hearing before the department upon at least 15 days written notice. Within 30 days after such hearing, the department shall issue a notice amending, affirming or rescinding its previous action.

7:27-6.6 (Reserved)

Repealed 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).

Section was "Permit to construct and certificate to operate".

7:27-6.7 Exceptions

- (a) The provisions of this subchapter shall not apply:

1. To indirect heat exchangers;
2. To incinerators.

SUBCHAPTER 7. SULFUR

7:27-7.1 Definitions

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

"Adjusted stack height" means the stack height modified by either a stack height adjustment factor or a stack height adjustment in feet.

"Allowable emission" means the emission in any 60-minute period expressed in pounds, computed as set forth in N.J.A.C. 7:27-7.2(r).

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

"Commissioner" means the State Commissioner of Environmental Protection who is the chief administrative officer of the State Department of Environmental Protection.

"Gases" means formless fluids which, under standard conditions, occupy the space of enclosure and which can be changed to the liquid or solid state only by the combined effect of increased pressure and decreased temperature.

"Liquid particles" means particles which have volume, but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

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

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

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

(a) The primary air quality standards are:

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

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

(b) The secondary air quality standards are:

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

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

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

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

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

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

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

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

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

7:27-13.6 Ambient air quality standards for ozone

(a) The primary air quality standard is:

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

(b) The secondary air quality standard is:

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

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

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

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

7:27-13.7 Ambient air quality standards for lead

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

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

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

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

Deleted old text and substituted new.

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

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

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

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

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

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

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

7:27-14.1 Definitions

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

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

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

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

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

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

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

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

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

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

"Diesel engine" means a compression ignition type of internal combustion engine.

"Diesel-powered" means utilizing a diesel engine.

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

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

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

"EPA" means the United States Environmental Protection Agency.

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

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

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

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

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

"Low speed engine" means an engine with a maximum governed RPM of no more than 2,400.

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

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

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

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

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

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

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

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

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

"Smokemeter" means smoke measurement equipment designed and manufactured in accordance with specifications set forth at N.J.A.C. 7:27B-4.15.

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

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

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

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

Section substantially amended.

Administrative Corrections.

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

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

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

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

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

7:27-14.2 Applicability

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

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

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

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

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

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

7:27-14.3 General prohibitions

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

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

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

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

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

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

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

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

5. An emergency motor vehicle in an emergency situation;

6. A motor vehicle while it is being repaired;

7. A motor vehicle while it is engaged in the process of connection or detachment of a trailer or of exchange of trailers; or

8. A motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties.

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

(d) (Reserved)

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

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

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

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

Section recodified to 14.2 and this section repealed.

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

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

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

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

In (b)1, substituted "diesel bus" for "autobus"; in (b)8, added "unless the vehicle ... start-up difficulties"; and added (c) and (d).

7:27-14.4 General public highway standards

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

1. Emits smoke in the exhaust emissions, the opacity of which exceeds any applicable smoke opacity standards set forth at N.J.A.C. 7:27-14.6;

2. Emits visible blue smoke in the exhaust emissions for more than three consecutive seconds;

3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.8; or

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

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

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

7:27-14.5 Test requirements

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

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

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

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

4. The visible black smoke screening test, as described at N.J.A.C. 7:27B-4.3(d).

(b) Until January 1, 1998, a person testing a heavy-duty diesel vehicle as part of the voluntary interim periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17 shall use one of the following tests:

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

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

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

(c) On and after January 1, 1998, a person testing a heavy-duty diesel vehicle as part of the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17 shall use one of the following tests:

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

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

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

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

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

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

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

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

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

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

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

7:27-14.6 Inspection standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority

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

Subchapter Historical Note

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

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

7:27-15.1 Definitions

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

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

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

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

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

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

"Commissioner" means the Commissioner of the Department of Environmental Protection.

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

"Department" means the Department of Environmental Protection.

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

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

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

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

"EPA" means the United States Environmental Protection Agency.

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

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

"G/mi" means grams per mile.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Motor vehicle emission testing equipment" means equipment used to conduct a test of a gasoline-fueled motor vehicle set forth at N.J.A.C. 7:27B, and which satisfies all applicable specifications set forth at N.J.A.C. 7:27B-4.14, Specifications for motor vehicle emission testing equipment for use in the New Jersey Enhanced Inspection and Maintenance Program. For motor vehicle inspections conducted pursuant to N.J.A.C. 7:27B-4 and this subchapter, this term shall include all devices used for performing a motor vehicle

inspection, including, but not limited to, exhaust gas analyzers, evaporative pressure testing apparatus, evaporative purge testing apparatus, dynamometers, computers and related software.

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

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

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

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

"Official inspection facility" means a test-only inspection facility operated by, licensed by, or under contract with the DMV whose exclusive function is conducting emissions inspections.

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

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

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

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

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