

(h) With respect to the provisions of N.J.A.C. 7:27-21.5, the following shall apply to any determination of which emissions to report in an Emission Statement:

1. All emissions at the facility (for facility-wide reporting) or associated with a source operation (for source operation level reporting) shall be included in a facility's Emission Statement, including, but not limited to, the following:

i. Emissions from source operations that are classified as "significant source operations," "insignificant sources," or "exempt activities" under the permitting rules at N.J.A.C. 7:27-8 or 22;

ii. Emissions associated with any delivery vessel loading operation; and

iii. Emissions from any delivery vessel that is to be considered a stationary storage tank pursuant to N.J.A.C. 7:27-16.2(j);

2. Notwithstanding (h)1 above, the following types of emissions shall be excluded from the emissions reported in an Emission Statement:

i. Emissions from source operations that the Department accounts for, in the emissions inventory submitted by the State to the EPA for inclusion in the State Implementation Plan, other than by reliance on information in Emission Statements. Examples include emissions from the painting of structures at the facility, emissions from light-duty motor vehicles driven at the facility and emissions from delivery vessels such as locomotives and tugboats. Further examples are provided in the Department's Emission Statement Guidance Document.

Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).

See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).

Rewrote the section.

Case Notes

Failure to submit required emission statement within mandatory time frame warranted assessment of civil administrative penalty. Department of Environmental Protection and Energy v. Northgate, 95 N.J.A.R.2d (EPE) 190.

7:27-21.4 Procedure for submitting an Emission Statement

(a) For an Emission Statement submitted for reporting year 2001 or earlier, the following procedures apply:

1. The Emission Statement shall be submitted to the Department on or before:

i. May 31, 1993 for a facility subject to this subchapter due to the emissions of 1992; and

ii. For each following year, April 15 of each calendar year following any calendar year in which the facility is subject to this subchapter;

2. The Emission Statement shall be submitted on a form obtained from the Department at the address listed in (c) below; and

3. Any owner or operator submitting an Emission Statement shall transmit the Emission Statement to the Department on paper. With the written prior approval of the Department, an Emission Statement may be submitted on computer diskette or electronically, in a form approved by the Department, in lieu of a submission of an Emission Statement on paper.

(b) For an Emission Statement submitted for reporting year 2002 or later, the following procedures apply:

1. Unless the owner or operator obtains approval pursuant to (d) below to submit an Emission Statement on paper, each Emission Statement shall be submitted to the Department electronically using the Remote Access Data Information User System (RADIUS) software (or its successor software) available from the Department at the address given at (c) below;

2. If a claim of confidentiality is being asserted for any information in an Emission Statement, pursuant to (e) below, the following shall apply:

i. A version of the Emission Statement which is complete, except that it omits the information which is claimed to be confidential, shall be submitted to the Department. This document shall be submitted electronically unless the owner or operator obtains approval to submit it on paper pursuant to (d) below. Information included in any electronic submittal shall be information for which no claim of confidentiality is being made;

ii. In addition to the submittal made pursuant to (b)2i above, a complete version of the Emission Statement shall also be submitted on paper, and it shall include the information that is claimed to be confidential as well as all other information required; and

iii. The information given in both versions of the Emission Statement shall be identical, except that the information claimed to be confidential shall be omitted from the version submitted pursuant to (b)2i above; and

3. An Emission Statement shall be submitted to the Department by the following due date:

i. For submittals on paper pursuant to (d) below, by April 15 of the submittal year; and

ii. For electronic submittals (for example, those submitted by diskette or e-mail), by May 15 of the submittal year; this due date shall also apply to the paper copy of the Emission Statement submitted when certain information in the electronic version of the Emission Statement is claimed to be confidential.

(c) The Department's Bureau of Air Quality Planning shall be the Department's point of contact for the Emission Statement program. As such:

1. Emission Statements shall be submitted to the Bureau:
2. Documents useful to persons preparing Emission Statement submittals, such as the Department's Emission Statement Guidance Document, copies of forms, and instructions, may be viewed and downloaded from the Bureau's web page at <http://www.state.nj.us/dep/baqp/>; and
3. The Bureau may be contacted for instructions on how to download a copy of RADIUS, to obtain any documents referenced in this subchapter, or to seek answers to questions pertaining to the Emission Statement Program. The Bureau may be contacted by phone ((609) 292-6722) or e-mail at emis_statement@dep.state.nj.us. Correspondence shall be sent to the Bureau at the following address:

Bureau of Air Quality Planning
 Department of Environmental Protection
 PO Box 418
 Trenton, N.J. 08625-0418
 Attn: Emission Statements

(d) If it is a hardship for an owner or operator to submit an Emission Statement electronically, the owner or operator may request approval from the Department to submit the Emission Statement on a paper form. The Department shall approve such a request provided that:

1. The request is certified by the responsible official in accordance with N.J.A.C. 7:27-1.39 and submitted to the Department no later than March 1 of the submittal year;
2. The owner or operator explains:
 - i. The grounds of the hardship electronic submittal would impose; and
 - ii. The effort(s) the owner or operator will make to ensure the facility's ability to make electronic submittals in the future; and
3. The owner or operator agrees to make every effort to become able to submit the form electronically in future years.

(e) 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 established at N.J.A.C. 7:27-1.18, is not confidential. The Department will process and evaluate confidentiality claims in accordance with N.J.A.C. 7:27-1.6 through 1.30 inclusive.

Amended by R.1998 d.231, effective May 4, 1998 (operative June 12, 1998).
 See: 29 N.J.R. 3521(a), 30 N.J.R. 1563(b).

In (d), changed N.J.A.C. reference.
 Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).
 See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).
 Rewrote the section.

Case Notes

Failure to submit required emission statement within mandatory time frame warranted assessment of civil administrative penalty. Department of Environmental Protection and Energy v. Northgate, 95 N.J.A.R.2d (EPE) 190.

7:27-21.5 Required contents of an Emission Statement

(a) Any owner or operator who submits an Emission Statement to the Department shall include the following, as an integral part of the Emission Statement:

1. Identification of the reporting year for which the statement is being submitted;
2. A certification, in accordance with the requirements of N.J.A.C. 7:27-21.8; and
3. The date of the signature of certification, and the name, title, mailing address, and telephone number of the responsible official certifying the Emission Statement.

(b) An Emission Statement shall include the following facility identification information:

1. The full name of the facility;
2. Facility location description, including, but not limited to:
 - i. The facility's street address;
 - ii. The county in which the facility is located;
 - iii. The mailing address of the facility, including its zip code; and
 - iv. The facility's State Plane coordinates given as its New Jersey or Universal Transverse Mercator (UTM) coordinates; or its latitude and longitude;
3. The facility ID number, as assigned by the Department;
4. Classification by organization type (for example, corporation, partnership, municipality);
5. The NAICS code(s) which apply to the facility;
6. The facility type (that is, major or minor). For the purposes of this subchapter, a facility is a major facility if it is subject to operating permit rules under N.J.A.C. 7:27-22; otherwise it is a minor facility;
7. New Jersey Employer Identification Number;
8. Number of employees; and
9. The name(s) of the owner(s) or operator(s) of the facility and the Emission Statement contact person; and, for each, contact information such as title, mailing address, and telephone number.

(c) An Emission Statement shall include information identifying all source operations, located at the facility. This information shall include, but not be limited to, the following:

1. Information on each of the facility's significant source operations, including, but not limited to, the source ID number; its equipment type (for example, boiler, degreaser, surface coating equipment); a description of the source operation; its maximum design capacity; identification of any control apparatus associated with the source operation; (for combustion sources) the types of fuels burned; and any permit or operating certificate numbers assigned to the source. Additionally, other source characteristics and parameters may be required to be reported which allow the Department to calculate or verify the calculation of emissions;

2. Information on each of the facility's insignificant source operations, including, but not limited to, its source ID number, its equipment type, and a description of the source operation;

3. Information on sources of fugitive emissions at the facility that are not associated with any source operation, including, but not limited to, description of the activity that causes the fugitive emissions and a source ID number, if available; and

4. If a permit has been issued by the Department for a batch production plant at the facility, information on each operating scenario approved for the batch production plant. The information shall include a description of the batch production plant and other information including, but not limited to:

- i. An ID number;
- ii. A description of approved operating scenarios including, but not limited to, the steps in the scenario and the SCC code of the scenario;
- iii. Identification of any source operations and control apparatus in the batch production plant;
- iv. The operation type (for example, steady-state); and
- v. Any permit or operating certificate numbers.

(d) With respect to each of the source operations identified pursuant to (c) above, the following information shall be provided:

1. For each significant source operation, information on each control apparatus serving the source operation, including, but not limited to:

- i. Its control device ID number;
- ii. A description of the control apparatus;
- iii. Classification as a primary, secondary or tertiary control apparatus;

iv. Identification of the control apparatus by type (for example, adsorber, condenser, flare);

v. Overall control efficiency, actual capture efficiency and actual removal efficiency, or if the actual capture efficiency or the actual removal efficiency is unavailable, the design capture efficiency or the design removal efficiency may be substituted;

vi. The operating time of the control apparatus; and

vii. Identification of the source operation(s) served by the control apparatus;

2. Identification of each of the facility's emission points; and, for each of these emission points, information including, but not limited to, its ID number; a description of the emission point; whether it is a source operation or fugitive emissions; and information characterizing emissions from the emission point, including, but not limited to, the following:

i. Release height (for example, height above ground level where the air contaminant is emitted to the atmosphere), release volume and release temperature; and

ii. Stack or vent diameter at point of emissions (the inside diameter of vent at the point of emission to the atmosphere);

3. The class(es) or specie(s) of air contaminant emissions (for example, VOC, SO₂) that the source operation, together with the associated control apparatus, has the potential to emit; and

4. The source(s) of fugitive emissions associated with each source operation.

(e) An Emission Statement shall include facility-wide emission information and emission information at the source operation level as follows:

1. Facility-wide emission information shall be given for all air contaminants required to be included in the facility's Emission Statement pursuant to N.J.A.C. 7:27-21.3(b); and

2. Emission information shall be given at the source operation level for all of the air contaminants listed in Table 1 at N.J.A.C. 7:27-21.2, except that:

i. Source operation level information shall not be reported for PM_{2.5} and NH₃; and

ii. If the facility's potential to emit VOC is less than 25 tons per year and if the facility's potential to emit each of the other air contaminants listed in Table 1 is less than the applicable reporting threshold set forth in Table 1, source operation level emission information shall be given only for NO_x, VOC, and CO.

(f) Emission information included in an Emission Statement pursuant to (e) above shall be provided in format

acceptable to the Department and on an Emission Statement form obtained from the Department. This information shall include the following:

1. For each air contaminant, information pertaining to the amount of air contaminant emitted, given on a facility-wide basis or on the source operation level (as applicable pursuant to (e) above), including, but not limited to:

i. The actual emissions of the air contaminant during a specified time period, including the actual emissions of VOC and NO_x in tons during the ozone season and in pounds per day during the peak ozone season. Such emissions may be the total facility-wide emissions, emissions from a specific source operation, emissions from a specific emission point, and fugitive emissions associated with specific source operations or other fugitive sources; and

ii. The average actual emission rate for a specified time period, including the average actual rate of emissions of VOC or NO_x in pounds per day of operation during the peak ozone season; or the average actual emissions of CO in pounds per day of operation during the peak carbon monoxide season. Such emissions may be, for a specific time period or season, the total facility-wide emissions, emissions from a specific source operation, emissions from a specific emission point, and fugitive emissions associated with specific source operations or other fugitive sources;

2. Parameters used in calculating emissions, including, but not limited to:

i. Specific dimensions of a source operation (for example, for a storage tank, tank type and tank diameter and height);

ii. Process inputs, intermediates, outputs, and wastes (for example, material stored in storage tanks);

iii. The type and amount of fuel burned in a combustion unit and the heat content of the fuel; or

iv. The design and firing method of a combustion unit;

3. The method used to quantify actual emissions selected pursuant to N.J.A.C. 7:27-21.6;

4. Any emission factor used to determine actual emissions;

5. The units in which the emissions are reported (for example, tons or pounds per hour);

6. Information pertaining to operation, including, but not limited to:

i. The activity rate/throughput during a specific time period, (per year, per quarter, or per season such as the peak ozone season);

ii. For each quarter, the quarterly activity rate/throughput, expressed as a percentage of actual annual activity rate/throughput;

iii. The types and amounts of fuel burned, process inputs consumed, or intermediate or final product produced;

iv. The total actual hours of operation (per day, per week, per season, per year, or other period); and

v. The average number of hours of operation per day or week or other period; and

7. For VOC, NO_x, and CO, a projection of the amount of increase or decrease in emissions expected in the future, given as a percentage of the reporting year's emissions.

(g) To simplify the reporting of emissions from a source operation with minimal emissions, an owner or operator may alternatively report the source operation's potential to emit a given air contaminant as its actual emissions of the air contaminant, provided that:

1. The Emission Statement reflects that simplified reporting is being used;

2. The air contaminant being reported is one that is listed in Table 2 below; and

3. The source operation has a potential to emit the air contaminant in an amount that is less than or equal to the criteria amount given in Table 2 below.

TABLE 2

APPLICABILITY CRITERIA FOR SIMPLIFIED REPORTING

Air Contaminant	Criteria Amount
VOC, NO _x , CO, SO ₂ , TSP, PM ₁₀ , PM _{2.5} , or NH ₃	1.00 ton per year
Pb	0.10 tons per year

(h) In reporting source operation level emissions information in an Emission Statement, fugitive emissions associated with a source operation shall be reported as part of the emissions of that source operation. In facility-wide reporting, a facility's cumulative total fugitive emissions shall be given as an aggregation of all fugitive emissions at the facility that are not associated with a specific source operation; these cumulative total fugitive emissions shall be added to the facility's other emissions to determine the facility's total emissions.

(i) The following information may replace the more detailed information required at (c) through (h) above only for any source operation which has the potential to emit less than 0.1 ton per year of Pb or less than one ton per year of any other air contaminant required to be reported pursuant to this subchapter:

Administrative correction.
 See: 34 N.J.R. 770(a).
 Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).
 See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).
 Rewrote the section.

7:27-21.6 Methods to be used for quantifying actual emissions

(a) The method used for quantifying actual emissions for use in preparing emission information required at N.J.A.C. 7:27-21.5(e) shall be determined as follows:

1. If a permit or certificate issued by the Department pursuant to N.J.A.C. 7:27-8 or 22 specifies a method for quantifying actual emissions of a given air contaminant, then that method shall be used; and
2. For all other cases, the method that shall be used is the best available quantification method selected from Table 3 below. The best available quantification method is a method listed in Table 3 that is reasonably available, as defined at N.J.A.C. 7:27-21.1, and provides the most accurate estimation of the actual emissions from the source operation. An owner or operator submitting an Emission Statement shall presume that the highest-ranked method in Table 3, which is also reasonably available, is the best available quantification method and use that method, unless a different method is selected pursuant to (b) below.

TABLE 3

RANKING OF METHODS FOR QUANTIFYING ACTUAL EMISSIONS

<u>Rank</u>	<u>Method</u>
1	Continuous Emissions Monitoring
2	Predictive Emissions Monitoring
3	Department Approved and Supervised Source Emission Testing Performed during the Reporting Year
4	Department Approved and Supervised Source Emission Testing Performed in a Prior Year
5	Mass/Material Balance
6	AP-42 Emission Factor or Other EPA-Approved Emission Estimation Methodology (for example, TANKS4 and WATER9) or Selection of a Source Emission Test for a Similar Size Unit from the AP-42 Basis and Background Documents
7	Manufacturer's Estimate
8	Others (including): Industry Council or Organization Emission Factor —Source Emission Testing Not Approved or Supervised by the Department —Good Engineering Judgement/Factor

(b) A method listed in Table 3, which is ranked lower than the highest-ranked reasonably available method, may be used to quantify actual emissions for an Emission Statement if any of the following conditions are met:

1. The owner or operator can demonstrate that use of the lower-ranked method results in more accurate quantification of emissions than what would have been achieved

using any higher-ranked method that is reasonably available; or

2. Use of the lower-ranked method is consistent with EPA's guidance, including its hierarchy for emission calculation methods and/or its identification of preferred methods for specific types of source operations, as set forth in the most current version of EPA's Emissions Inventory Improvement Program Guidance Document.

(c) For each emissions calculation method used in an Emission Statement which is a lower-ranked method being used pursuant to (b) above, a written justification shall be prepared documenting the basis for the use of the lower-ranked method. This justification shall be maintained on-site and be provided upon request to the Department. It shall include:

1. Identification of the quantification method that was the highest-ranked reasonably available method pursuant to the rankings in Table 3;
2. Identification of the method selected by the owner or operator pursuant to (b) above; and
3. An explanation of how selection of this method conforms with the applicable condition(s) in (b) above.

New Rule by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).
 See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).
 Rewrote the section. Recodified from 7:27-21.6(l).

7:27-21.7 Recordkeeping requirements

(a) For each Emission Statement submitted to the Department, the owner or operator of the facility subject to this subchapter shall maintain the following records at the facility for a period of five years from the date each submittal is due:

1. A copy of the Emission Statement submitted to the Department;
2. Records indicating how the information submitted in the Emission Statement was determined, including any calculations, data, measurements, and estimates used; and
3. Each written justification required pursuant to N.J.A.C. 7:27-21.6(c) documenting the basis for the selection of a lower-ranked method for quantifying emissions.

(b) Upon the request of the Department, the owner or operator of the facility shall make these records available at the facility for inspection by any representative of the Department during normal business hours.

(c) Upon receipt of a written request from the Department, the owner or operator of the facility shall timely submit a copy of the records specified in (a) above to the Department by mail or by other means as agreed to by the Department.

Recodified from N.J.A.C. 7:27-21.6 and amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).

See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).

In (a), rewrote the introductory paragraph and added 3; added (c). Former N.J.A.C. 7:27-21.7, Certification of information, recodified to N.J.A.C. 7:27-21.8.

7:27-21.8 Certification of information

(a) Any owner or operator who submits an Emission Statement to the Department shall include, as an integral part of the Emission Statement, the following two-part certification:

1. A certification signed by the individual or individuals (including any consultants) with direct knowledge of and responsibility for the information contained in the Emission Statement. The certification shall state:

"I certify under penalty of law that I believe the information provided in this emission statement is true, accurate and complete. For those portions of the above information based on estimates, those estimates are the result of good faith application of sound professional judgment, using techniques, factors, or calculations approved by the Department or EPA, or generally accepted in the trade. I am aware that there are significant civil and criminal penalties, including fines or imprisonment or both, for submitting false, inaccurate or incomplete information."

2. A certification signed by a responsible official, as defined at N.J.A.C. 7:27-21.1, which states:

(b) Certification of an Emission Statement, pursuant to (a) above, shall be performed in accordance with the following:

1. If the Emission Statement is being submitted electronically, the responsible official shall certify the submittal either by signing the certification on a paper form obtained from the Department or by inserting his or her personal identification number (PIN), as assigned by the Department, into the applicable signature area following the text of the certification language given on the electronic Emission Statement form; and this signature or insertion of a PIN shall constitute certification of the Emission Statement in accordance with (a) above; or

2. If the Emission Statement is being submitted on a paper form obtained from the Department, the responsible official shall sign the certification on the paper form; and this signature shall constitute certification of the Emission Statement in accordance with the certification language at (a) above.

(c) If a claim of confidentiality is being asserted pursuant to N.J.A.C. 7:27-1.6 for any part of an Emission Statement, both of the submittals shall be certified. That is, the submittal which omits the confidential information, and which includes only the information for which no claim of confidentiality is being made, shall be certified; and also the submittal which includes all the required Emission Statement information, including the information for which a claim of confidentiality is being made, shall be certified.

Recodified from N.J.A.C. 7:27-21.7 and amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).

See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).

In (a), substituted "owner of operator" for "person" in the introductory paragraph; added (b) and (c). Former N.J.A.C. 7:27-21.8, Request for extension, recodified to N.J.A.C. 7:27-21.9.

7:27-21.9 Request for extension

(a) If meeting the due date set forth at N.J.A.C. 7:27-21.4 for submittal of an Emission Statement would cause extreme hardship, an owner or operator may request an extension.

(b) A request for an extension shall include the following information:

1. The name of the facility; the mailing address of the facility, including its zip code; and its facility ID number, as assigned by the Department;

2. The name of the Emission Statement contact for the facility and the contact person's telephone number;

3. The name of the responsible official and the responsible official's telephone number;

4. The reasons and justifications for the inability to submit the Emission Statement by the due date and the extreme hardship that would be prevented if the Department allows an extension of the due date;

5. The revised date by which the owner or operator commits to submitting the Emission Statement. This revised date can be no later than one month from the due date; and

6. A certification, signed by the responsible official, in accordance with N.J.A.C. 7:27-1.39.

(c) A request for an extension shall be submitted, in writing, to the following address:

Chief, Bureau of Air Quality Planning
Department of Environmental Protection
PO Box 418
Trenton, N.J. 08625-0418
ATTN: Emission Statements—Extension Request

(d) A request to extend the due date must be received by the Department by April 1 of the submittal year for a paper submittal and by May 1 of the submittal year for an electronic submittal. The Department will not consider a request for an extension it receives after these dates.

(e) Within 10 working days after receipt of a request for extension, the Department will respond with its determination as to whether the request for extension is denied or granted and, if granted, the revised date by which the Emission Statement is due. The Department will grant an extension if the extension is necessary to prevent extreme hardship.