

(c) An air quality impact analysis shall demonstrate whether the maximum controlled emissions stated on the preconstruction permit application may cause:

1. A violation of any State or Federal ambient air quality standard;
2. Any exceedance of a PSD increment as defined in 40 CFR Part 52;
3. An increase in ambient air concentration that equals or exceeds the significant air quality effect level, as set forth in Table 1 of N.J.A.C. 7:27-18.4(a), in a nonattainment area for any air contaminant; or
4. A contravention of any other criterion established by the Department to protect human health and welfare and the environment.

(d) An air quality impact analysis and/or a risk assessment shall be conducted in accordance with a protocol approved in advance by the Department. The Department shall not approve a protocol unless it takes all relevant site-specific and general factors into account. These factors include, but are not limited to, a land use analysis, proper consideration of topography, a good engineering practice stack height analysis, use of the most recent version of EPA-approved models, identification of the most appropriate meteorological data, and consideration of all relevant averaging times. The protocol shall document how the person proposes to conduct the air quality impact analysis and/or risk assessment, and how the results will be presented to the Department. Technical guidance on the preparation of a protocol can be found in the Air Quality Permitting Program's Technical Manual 1002 (Guidance on Preparing an Air Quality Modeling Protocol) and Technical Manual 1003 (Guidance on Preparing a Risk Assessment for Air Contaminant Emissions). Additional technical guidance on preparing a protocol may be requested from:

New Jersey Department of Environmental Protection
Air Quality Permitting Program
401 East State Street, 2nd Floor
PO Box 027
Trenton, New Jersey 08625-0027
Attention: Bureau of Air Quality Evaluation

New Rule, 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).

Former N.J.A.C. 7:27-8.5, Public comment, recodified to N.J.A.C. 7:27-8.10.

7:27-8.6 Service fees

(a) Every application, notice, or registration submitted to the Department shall be accompanied by the fee, if any, set forth in the Base Fee Tables below.

(b) After an application, notice or registration is submitted, the Department will invoice each applicant for any

additional fees due to the Department, assessed in accordance with the Base Fee Schedule and the Supplementary Fee Schedule below. The applicant shall submit any fees so assessed to the Department within 60 days of receipt of the invoice.

(c) The Base Fee Schedule and the Supplementary Fee Schedule apply to all applications, notices or registrations which are deemed administratively complete on or after the date on which this section is operative.

(d) If an application is denied or a permit is revoked, for any reason, and the applicant reapplies, the new application shall meet all application requirements, including the fee requirement.

(e) Any fee under this section that is subject to N.J.A.C. 7:1L shall be payable in installments in accordance with N.J.A.C. 7:1L.

(f) Except for applications for sources at facilities subject to (g) below, a complete application fee for a preconstruction permit and certificate shall include both a preconstruction permit application fee and an operating certificate fee, as set forth below in the Base Fee Tables.

(g) The owner or operator of a facility subject to N.J.A.C. 7:27-22 is not required to pay the operating certificate fees set forth in Tables 1, 2, 5, 6 and 10 below after June 30, 1995. However, the owner or operator of a facility subject to N.J.A.C. 7:27-22 is required to maintain operating certificates for sources at the facility under this subchapter until the issuance of an operating permit for the facility. In addition, after June 30, 1995 the owner or operator shall pay fees in accordance with N.J.A.C. 7:27-22.31 for any significant modification, as defined in the operating permit rules at N.J.A.C. 7:27-22.1, while the issuance of an operating permit for the facility is pending.

(h) Fees due to the Department may be paid by personal check, corporate check, or money order, made payable to "Treasurer, State of New Jersey."

(i) If both Category I and Category II sources are included in a single application, the Category I source(s) shall be subject to the Category I preconstruction permit fee, and the Category II source(s) shall be subject to the Category II preconstruction permit fee. All sources shall be subject to the Category II certificate fee.

(j) If one application for a Category II initial permit or permit revision includes multiple sources or control apparatus, there may in some cases be a fee for the additional sources or control apparatus. This subsection applies only to Category II initial permit applications under Table 2 below, and to Category II permit revisions under Table 6 below. Under those tables, the first significant source on the application is subject to a fee of \$500.00. If more than one source or control apparatus is included in the applica-

tion, there is no additional fee for the additional sources or control apparatus if they are identical (as defined at N.J.A.C. 7:27-8.1) to the first one, for which a fee is already being paid. If an additional significant source or control apparatus does not meet the definition of identical at N.J.A.C. 7:27-8.1, the fee for the source or control apparatus is \$350.00. The following examples illustrate how to calculate these additional Category II fees under Tables 2 and 6:

1. An application which includes four identical boilers would require a fee of \$1,000: \$500.00 for the first boiler, no fee for the second, third and fourth identical boilers, and \$500.00 for the certificate fee;

2. An application which includes four different non-identical boilers would require a fee of \$2,050: \$500.00 for the first boiler, \$350.00 each for the second, third and fourth boilers, and \$500.00 for the certificate fee; and

3. An application which includes four identical reactors, served by four non-identical control apparatus, would require a fee of \$2,400: \$500.00 for the first boiler, no fee for the other three identical boilers, \$350.00 for the first control apparatus, \$350.00 each for the second, third, and fourth control apparatus, and \$500.00 for the certificate fee.

(k) There is no fee for an insignificant source, even if emissions from an insignificant source must be listed on an application under N.J.A.C. 7:27-8.4(g).

A. BASE FEE TABLES

Table 1
Category I permit fees

Activity	Basis	Amount
Preconstruction permit	Per application	\$100.00
Operating certificate	Per application	\$150.00
Total Category I initial permit fee		\$250.00

Table 2
Category II permit fees

Activity	Basis	Amount
Preconstruction permit	Per first significant source per application	\$500.00
Additional fee	Per each additional non-identical significant source or control apparatus on the same application ¹	\$350.00
Operating certificate	Per application	\$500.00
Total Category II initial permit fee		\$1,000 plus \$350 per additional non-identical significant source or control apparatus

¹See (j) above.

Table 3
Environmental improvement pilot test fees

Activity	Basis	Amount
Application for environmental improvement pilot test	Per Application or per renewal	\$250.00

Table 4
Registration Fees

Part 4a

General permit registration fees

Activity	Basis	Amount
Registration for authorization to act under a general permit under N.J.A.C. 7:27-8.8(c)	Per Registration	\$250.00

Part 4b

Used oil space heater registration fees

Activity	Basis	Amount
Registration for authorization to operate a used oil space heater under N.J.A.C. 7:27-20.3	Per Registration	\$250.00
Five year renewal for a used oil space heater under N.J.A.C. 7:27-20.3	Per Registration	\$250.00

Table 5
Category I permit revision fees

Activity	Basis	Amount
Preconstruction permit revision	Per revision application	\$100.00
Operating certificate revision	Per revision application	\$150.00
Total Category I permit revision fee		\$250.00

Table 6
Category II permit revision fees

Activity	Basis	Amount
Preconstruction permit revision	Per first changed significant source per permit revision application	\$500.00
Additional fee	Per each additional non-identical significant source or control apparatus being changed on the same permit revision application ²	\$350.00
Operating certificate revision	Per permit revision application	\$500.00
Total Category II permit revision fee		\$1,000 plus \$350 per additional non-identical significant source or control apparatus

²See (j) above.

Table 7
Compliance plan change fees

Activity	Basis	Amount
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Category I compliance plan change	Per application	\$ 50.00
Category II compliance plan change	Per application	\$250.00

Transfer of ownership under N.J.A.C. 7:27-8.21(b)2	Per Facility	\$ 50.00
Change in equipment or stack designation under N.J.A.C. 7:27-8.21(b)3	Per Preconstruction Permit	\$ 00.00
A change listed in N.J.A.C. 7:27-8.21(b)4, 5, 6, or 7	Per submitted amendment	\$200.00
Correction of a typographical error under N.J.A.C. 7:27-8.21(b)8	Per Preconstruction Permit	\$ 00.00

Table 8
Seven-day-notice change fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
Category I seven-day-notice change	Per notice	\$50.00
Category II seven-day-notice change	Per notice	\$250.00

Table 9
Amendment fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
Change in identifying information under N.J.A.C. 7:27-8.21(b)1	Per Preconstruction Permit	\$ 00.00

Table 10
Certificate Renewal fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
Category I	Per Operating Certificate	\$250.00
Category II	Per Operating Certificate	\$500.00

B. SUPPLEMENTARY FEE SCHEDULE

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
1. Prevention of Significant Deterioration		
a. Engineering Review	Per Applicable Air Contaminant	\$500.00
b. Implement Public Comment Requirement	Per Comment Period	500.00
2. Ambient Air Monitoring		
a. Review Protocol	Per Protocol	500.00
b. Inspect Monitoring Locations and Equipment Installation	Per Inspection	500.00
c. Review Quality Assurance Plan	Per Plan	500.00
d. Review Data	Per Required Report	500.00
3. Air Quality Impact Analysis		
a. Evaluate Protocol	Per Protocol	500.00
b. Review Screening Modeling	Per Review	500.00
c. Review Refined Modeling	Per Review	500.00
4. Risk Assessment		
a. Evaluate Protocol	Per Protocol	500.00
b. Review Risk Assessment	Per Review	500.00
5. Testing		
a. Evaluate Source-Specific Testing Protocol		
i. Process Materials Testing	Per Protocol	450.00
ii. Source Emission Testing	Per Protocol	500.00
b. On-site Monitoring of Sample Collection Pursuant to an Approved Source-Specific Testing Protocol		
i. Process Materials Testing	Per Collection Event	200.00
ii. Source Emissions Testing	Per Performance Test	500.00
c. Review Testing Report		
i. Process Materials Testing	Per Report	200.00
ii. Source Emissions Testing	Per Report	500.00
6. Audit Performance of Continuous Emission Monitors		
a. Evaluate Protocol	Per Protocol Per Permit	500.00
b. Observe Testing	Per Protocol Per Permit	500.00
c. Review Testing Report	Per Report	500.00
7. Periodic Compliance Inspection	Per Inspection Per Certificate	200.00

New Rule, R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).
 See: 22 N.J.R. 292(a), 23 N.J.R. 723(a).
 Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).
 See: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).

Deleted references and fee schedule regarding mathematical combinations.
 Amended by R.1994 d.502, effective October 3, 1994 (operative October 31, 1994).
 See: 25 N.J.R. 3963(a), 25 N.J.R. 4836(a), 26 N.J.R. 793(a), 26 N.J.R. 3943(b).

Amended by R.1995 d.205, effective April 17, 1995.

See: 26 N.J.R. 3922(a), 27 N.J.R. 1576(b).

Recodified from N.J.A.C. 7:27-8.11 and 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).

Rewrote the section. Former N.J.A.C. 7:27-8.6, Denials, recodified to N.J.A.C. 7:27-8.14.

Amended by R.1999 d.428, effective December 6, 1999 (operative January 8, 2000).

See: 30 N.J.R. 4003(a), 31 N.J.R. 4016(a).

In the Base Fee Tables, changed Table 4 designation, inserted Table 4a designation and inserted Table 4b.

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. Base Fee Tables, rewrote Table 4, substituted "Part 4a" for "Table 4a", and "Part 4b" for "Table 4b".

7:27-8.7 Operating certificates

(a) In order to operate a source covered by a preconstruction permit, the source shall also be covered by an operating certificate, which authorizes operation of the source. The preconstruction permit application form also serves as the application form for the operating certificate, and the Department shall issue the preconstruction permit and operating certificate simultaneously, combined in one document.

(b) To obtain an operating certificate or a temporary operating certificate (see (d) below), an applicant shall follow the procedures for applying for a permit and certificate under N.J.A.C. 7:27-8.4.

(c) An operating certificate (except for a temporary operating certificate issued under (d) below) expires five years after the date the preconstruction permit for the source was issued.

(d) In some cases, the Department needs information obtained while a source is operating, such as stack testing results, in order to issue a final operating certificate. In such a case, the Department shall issue one of the following two types of temporary operating certificates:

1. A 90 day temporary operating certificate, which is valid for 90 days and may be renewed by the Department one or more times; or

2. A continuing temporary operating certificate, which continues in effect until the earliest of the following triggering events:

i. The Department notifies the permittee that the operating certificate has been converted to a 90 day temporary operating certificate;

ii. The Department issues a conventional operating certificate for the source; or

iii. Five years has passed since the issuance of a preconstruction permit for the source.

(e) The operating certificate shall be renewed prior to its expiration if the source is to continue to operate. In order to ensure timely renewal of an operating certificate, an application for renewal of an operating certificate shall be made to the Department at least 90 days prior to the expiration date of the operating certificate. An application for renewal may be submitted electronically only if the entire permit application is, or has been, submitted to the Department through e-NJEMS prior to the submittal of the renewal application.

(f) Before renewing an operating certificate, the Department may require testing to ensure compliance with State and Federal air pollution control requirements.

New Rule, R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).

See: 22 N.J.R. 292(a), 23 N.J.R. 723(a).

Amended by R.1994 d.502, effective October 3, 1994 (operative October 31, 1994).

See: 25 N.J.R. 3963(a), 25 N.J.R. 4836(a), 26 N.J.R. 793(a), 26 N.J.R. 3943(b).

Repeal and New Rule, 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).

Former N.J.A.C. 7:27-8.7, Approvals, repealed.

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 (e), substituted "e-NJEMS" for "AIMS".

7:27-8.8 General permits

(a) A general permit is a pre-approved permit and certificate which applies to a specific class of significant sources. By issuing a general permit pursuant to N.J.S.A. 26:2C-9.2(h), the Department indicates that it approves the activities authorized by the general permit, provided that the owner or operator of the source registers with the Department and meets the requirements of the general permit. If a source belongs to a class of sources which qualify for a general permit, and the owner or operator of the source registers for the general permit and complies with this section, the registration satisfies the requirements at N.J.A.C. 7:27-8.3 for a permit and certificate.

(b) A general permit may not be used to cover a source which is subject to PSD requirements under 40 CFR 52.21, or which is subject to emissions offsets requirements under N.J.A.C. 7:27-18.

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

1. One or more tanks and/or pumps used for storing and/or pumping gasoline, diesel fuel, or kerosene, located at a single service station (retail or non-retail), if the station:

i. Receives gasoline, diesel fuel, or kerosene from a delivery vessel and puts it into a stationary storage tank;

ii. Transfers gasoline from a storage tank into a gasoline vapor laden fuel tank;

- iii. Has Stage 1 vapor recovery equipment which complies with N.J.A.C. 7:27-16.3 on all gasoline tanks at the station; and
 - iv. Has Stage 2 vapor recovery equipment which complies with N.J.A.C. 7:27-16 on all gasoline pumps at the station;
2. One or more pieces of woodworking equipment, located at the same facility, where all air contaminant emissions from the equipment are captured and vented to a particulate control apparatus with a minimum removal efficiency of 99 percent;
 3. A single boiler with a maximum rated heat input of less than 10 million BTUs per hour, combusting natural gas, number 2 commercial fuel oil, propane, diesel or kerosene (and no other fuels);
 4. A single emergency generator which operates no more than 500 hours per year, and which has a maximum rated heat input that is less than or equal to 15 million BTU per hour (generating approximately 1.5 megawatts of electricity) when the generator combusts diesel fuel, number 2 fuel oil or kerosene, or 40 million BTU per hour (generating approximately 4.0 megawatts of electricity) when the generator combusts natural gas or propane;
 5. A bulk solid materials receiving and storage system, which uses pneumatic or mechanical conveying, where all particulate air contaminant emissions are captured and vented to a particulate control apparatus with a minimum removal efficiency of 99 percent;
 6. One or more pieces of enclosed abrasive blasting equipment, located at the same facility, where all particulate air contaminant emissions from the equipment are captured and vented to a particulate control apparatus with a minimum removal efficiency of 99 percent;
 7. A stationary storage tank which:
 - i. Does not have a floating roof;
 - ii. Has a maximum capacity of 300,000 gallons; and
 - iii. Is used for storing VOC's with a vapor pressure within the applicable limit below:
 - (1) If the tank has a maximum capacity of 20,000 gallons or less, vapor pressure shall be less than 11.1 psia (pounds per square inch absolute) at 70 degrees Fahrenheit;
 - (2) If the tank has a maximum capacity of more than 20,000 gallons but less than or equal to 40,000 gallons, vapor pressure shall be less than 4.0 psia at 70 degrees Fahrenheit; or
 - (3) If the tank has a maximum capacity of more than 40,000 gallons but less than or equal to 300,000 gallons, less than .75 psia at 70 degrees Fahrenheit;
 8. A soil vapor extraction system or a groundwater air stripping system used for the remediation of a gasoline-

contaminated vehicle fueling station at one of the following types of locations:

- i. A current or former gasoline retail station;
 - ii. A municipal, county or State garage;
 - iii. A police or fire department;
 - iv. A commercial or industrial site; or
 - v. A property adjacent to an approved remediation site, provided the remediation activities are relevant to the adjacent property and are conducted concurrently with the remediation activities of the approved site;
9. A single or multiple external combustion unit with a maximum rated heat input of less than 10 million BTUs per hour, firing natural gas, propane, kerosene, diesel oil, or number 2 fuel oil (no other fuels); and
 10. One or more of any combination of non-HAP VOCs solvent degreasers of the following types:
 - i. Cold cleaning machines that use a VOC solvent with a vapor pressure of less than 0.02 Psi (one mm Hg) at 20 degrees centigrade (68 degrees Fahrenheit);
 - ii. Heated cleaning machines that use a VOC solvent with a vapor pressure of less than 0.02 Psi (one mm Hg) at 20 degrees centigrade (68 degrees Fahrenheit);
 - iii. Batch vapor cleaning machines; or
 - iv. In-line (conveyorized) vapor cleaning machines.

(d) For each general permit, the Department shall provide a registration form, the general permit itself, and a document entitled "General Procedures for General Permits."

(e) The registration form shall include instructions for completing the form. The registration form shall require information identifying the registrant, identifying the source(s) which shall be covered by the registration, showing that the source meets the criteria for the general permit, and showing that the source will be operated in accordance with the general permit. In many cases, the registration form shall require the registrant to choose from among different options tailored to the source's size, operating characteristics, fuel used, and other parameters. Once the source is described or an option selected on the registration form, the registrant shall continue to operate the source within the parameters of the description and/or the selected option. The registration form shall require the registrant to certify the truth and accuracy of the information on the form. The certification shall meet the requirements of N.J.A.C. 7:27-1.39.

(f) The general permit shall include all of the conditions and requirements which must be met in order to act under the authority of the general permit, including:

1. A description of the class of significant sources which qualify for the general permit, including an explanation of how many of each type of source may be covered by one general permit registration;

2. All requirements which apply to the source and which are satisfied by the general permit;

3. Any monitoring, recordkeeping or reporting requirements;

4. If applicable, standards the source must meet to comply with N.J.A.C. 7:27-8.12, State of the art; and

5. Citations to the laws or rules which form the basis for the requirements listed in (f)2 through 4 above.

(g) The "General Procedures for General Permits" shall apply to all general permits, and shall include instructions for the use general permits, a list of available general permits, and citations to regulatory provisions that apply to the use of general permits.

(h) Some general permits apply to only one source, while others may apply to a class of sources located at the same facility. Each general permit shall specify whether it applies to a group or to a single source. If a general permit applies to only one source, and if several sources at one facility qualify for that general permit, a separate registration, including a fee, shall be submitted for each source.

(i) The authority to act under a general permit begins upon the registrant's receipt of proof of the Department's receipt of the properly completed registration form (including the registration fee specified at N.J.A.C. 7:27-8.6). This proof can be a certified mail receipt, or a copy of the Department's written acknowledgment, issued under (k) below. A registrant may continue to act under the general permit for five years after the date of the proof of receipt, unless:

1. A shorter term is specified in the general permit or the General Procedures for General Permits; or

2. The Department amends the general permit based on a change to a law or regulation in accordance with (n) below.

(j) The registrant is fully responsible for ensuring that the requirements of the general permit, the General Procedures for General Permits, and this section are complied with. If an owner or operator has registered a source under a general permit and the registration is incorrect or deficient, the owner or operator may be liable for penalties for acting without a permit or certificate. Examples of ways a registration might be incorrect or deficient include: if the registered source does not qualify for the general permit; if the registration was improperly completed; or if the registration did not include a key element such as required information or the correct fee.

(k) The Department shall send an acknowledgment when a registration, including the appropriate fee, is received. However, the acknowledgment only indicates that the Department received the registration, and does not mean that the Department has reviewed or approved the registration. Therefore, if the registration is incorrect or deficient, the Department's acknowledgment does not in any way relieve the owner or operator from liability for penalties for any unauthorized activities.

(l) A registrant shall operate within the conditions of the general permit. If the registration form allows the registrant to choose a particular option tailored to the source, the registrant shall operate the source within the parameters set forth in that option. Failure to operate within the parameters of the chosen option and within the general permit conditions shall constitute violation of a permit. If a registrant wants to make a change to a source which has been registered under a general permit, a new general permit registration is required, unless the changed source would remain within the class of sources which qualify for the general permit, and the source would continue to be operated in accordance with the parameters set forth in the option chosen in the registration.

(m) To issue a general permit, or to amend an existing one, the Department shall draft a new or amended registration form and general permit, and shall publish a notice in the New Jersey Register that these documents are available for review and comment. When the comment period closes, the Department shall incorporate any changes the Department deems appropriate. The Department shall then announce the final general permit, and add it to the list of sources in (c) above, through a notice of administrative change published in the New Jersey Register.

(n) If the Department changes an existing general permit, it shall notify each person who has registered under the general permit. The registrant shall comply with any applicable new requirements as follows:

1. If the change to the general permit is required by a statute or regulation, a registrant shall comply by the date required for compliance in the statute or regulation. If the registrant cannot comply by that date, the registrant must stop operating the source or obtain by that date a source-specific permit and certificate which authorizes continued operation; and

2. If the change to the general permit is not required by a statute or regulation, a registrant shall comply by the date which is 90 days after the date that the notice was received from the Department or the date when the registration, whichever is later. Thereafter, the registrant shall comply with the changed general permit.

(o) A person who wishes to register a source under a general permit may obtain the registration form, the general permit, and the General Procedures for General Permits, at the address in N.J.A.C. 7:27-8.4(b).

New Rule, 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).

Former N.J.A.C. 7:27-8.8, Conditions of approval, recodified to N.J.A.C. 7:27-8.13.

Public Notice: Draft General Permits comment opportunity.

See: 32 N.J.R. 605(a).

Administrative change.

See: 32 N.J.R. 2081(b).

Added (c)8.

Public Notice: Draft General Permits comment opportunity.

See: 33 N.J.R. 590(a).

Administrative change.

See: 33 N.J.R. 1377(a).

Public Notice: Air Quality Permit clarification of terminology.

See: 33 N.J.R. 3221(a).

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 (c), substituted "propane, diesel or kerosene" for "or both fuels" in 3, and inserted "number 2 fuel oil or kerosene," following "diesel fuel" and added "or propane" in 4.

Administrative change.

See: 34 N.J.R. 2804(a).

Public Notice: Draft General Permits comment opportunity.

See: 35 N.J.R. 3415(b).

Public Notice: General Permit (GP-010) for Degreasing Operations Using Non-HAP Volatile Organic Compounds (VOCs).

See: 35 N.J.R. 3966(b).

Public Notice: Draft General Permits comment opportunity.

See: 35 N.J.R. 5308(c).

Administrative change.

See: 36 N.J.R. 183(a), 184(a).

7:27-8.9 Environmental improvement pilot tests

(a) A person may seek approval for a preconstruction permit and certificate for an environmental improvement pilot test, as defined at N.J.A.C. 7:27-8.1, of air pollution control equipment or other environmental clean-up equipment under this section.

(b) An applicant for an environmental improvement pilot test shall ensure that the equipment shall comply with all applicable requirements, and that the activities shall not cause impacts outside the property boundary.

(c) An applicant for an environmental improvement pilot test approval shall submit the application on a form obtained from the Department at the address in N.J.A.C. 7:27-8.4(b). The application shall meet the requirements of N.J.A.C. 7:27-8.4, and shall include information regarding the planned sampling, analysis, equipment or processes, potential environmental impacts, the length of time requested for the test, projected emission rates, and any other information necessary for the Department to ensure that the proposed activities fit within the definition of an environmental improvement pilot test at N.J.A.C. 7:27-8.1.

(d) The Department shall take final action on the application within 30 days of its receipt of a complete application.

(e) The Department shall determine the term of a permit and certificate for an environmental improvement pilot test approval on a case-by-case basis, but in no case shall the approval last longer than 90 days from the start of the

actions covered by the environmental improvement pilot test approval. The approval may be renewed by application to the Department. The Department shall renew the environmental improvement pilot test approval only if the applicant demonstrates that continued testing of the equipment or process is needed, and that the proposed activities remain within the definition of an environmental improvement pilot test at N.J.A.C. 7:27-8.1.

(f) The fee for an environmental improvement pilot test is set forth at N.J.A.C. 7:27-8.6.

(g) The holder of an environmental improvement pilot test approval shall keep records of product run time, emission testing performed, and other data relevant to the emission of air contaminants. These records shall be kept for a minimum of five years, and any relevant data obtained must be submitted with any future application covering the source.

(h) Upon completion of the environmental improvement pilot test, the equipment involved shall cease operating, or shall return to operating under the conditions of the existing permit, if any. An environmental improvement pilot test approval does not constitute Departmental acceptance of equipment or a process for future production purposes.

New Rule, 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).

Former N.J.A.C. 7:27-8.9, Reporting requirements, recodified to N.J.A.C. 7:27-8.15.

7:27-8.10 Public comment

(a) The Department shall seek comments from the general public prior to making any final decision on those applications for which such comment is required by State or Federal statutes. Such applications include, but are not limited to, those applications which:

1. Are subject to the PSD requirements published at 40 CFR 52;
2. Must be submitted to the EPA for approval as revisions to any state implementation plan; or
3. Are subject to emissions offset requirements under N.J.A.C. 7:27-18.

(b) The Commissioner of the Department may seek comments from the public whenever the Commissioner finds a significant degree of public interest in an application, or whenever the Commissioner determines such comments might clarify one or more issues involved in the decision on the application. In determining whether to seek or accept public comment, the Commissioner shall consider factors relevant to the subject application and the applicable requirements. These factors may include, but are not limited to, the following:

1. The extent of any emissions increase;

2. The impact of any emissions increase on ambient air quality, human health and welfare, and the environment;

3. The applicant's record of compliance with air pollution control requirements;

4. Any other air pollution control aspects of the application or facility which might make the application of particular interest to the public.

(c) The Department shall notify those who submitted a written request for public comment of the Commissioner's decision regarding their request. The Commissioner's notification shall be in writing, and if the decision is a denial, the notification shall include a discussion of the factors in (b) above, as well as a description of all other factors which formed the basis for the decision.

New Rule, R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).

See: 22 N.J.R. 292(a), 23 N.J.R. 723(a).

Old section recodified to 8.6.

Amended by R.1994 d.502, effective October 3, 1994 (operative October 31, 1994).

See: 25 N.J.R. 3963(a), 25 N.J.R. 4836(a), 26 N.J.R. 793(a), 26 N.J.R. 3943(b).

Recodified from N.J.A.C. 7:27-8.5 and 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).

Rewrote the section. Former N.J.A.C. 7:27-8.10, Revocation, recodified to N.J.A.C. 7:27-8.16.

7:27-8.11 Standards for issuing a permit

(a) To obtain approval of a permit and certificate, a permit revision, or a compliance plan change, an applicant shall document that:

1. Each significant source included on the application meets all of the following standards which apply:

i. RACT requirements under N.J.A.C. 7:27-16 or 19;

ii. NSPS requirements;

iii. PSD requirements under 40 CFR 52.21; and

iv. All other applicable State or Federal air pollution control standards, codes, rules, or regulations; and

2. Each significant source incorporates advances in the art of air pollution control (also called "state of the art" or "SOTA"), developed for the kind and amount of air contaminant emitted by the equipment and control apparatus, if:

i. The source meets the criteria at N.J.A.C. 7:27-8.12(a); and

ii. The applicant proposes to construct, install, reconstruct, or modify the source.

New Rule, 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).

Former N.J.A.C. 7:27-8.11, Service fees, recodified to N.J.A.C. 7:27-8.6.

7:27-8.12 State of the art

(a) If an application proposes construction, installation, reconstruction, or modification of equipment and control apparatus which is a significant source meeting the following criteria, the applicant shall document state of the art (SOTA) for the source:

1. The equipment and control apparatus has a potential to emit any HAP at a rate equal to or greater than the SOTA Threshold in Appendix 1, Table B below; or

2. The equipment and control apparatus has a potential to emit any other air contaminant or category of air contaminant at a rate equal to or greater than the SOTA threshold in Appendix 1, Table A incorporated herein by reference.

(b) For equipment and control apparatus with the potential to emit an air contaminant that meets the SOTA criteria in (a) above, documentation of SOTA is only required for the air contaminant(s) that meets those criteria. Documentation of SOTA is not required for an air contaminant if the equipment's potential to emit that air contaminant does not meet the criteria in (a) above.

(c) Documentation of SOTA is not required for equipment and control apparatus that has, for every air contaminant, a potential to emit that is less than the levels indicated in (a) above.

(d) For purposes of determining whether a source meets the threshold levels in (a) above, the potential to emit an air contaminant shall be calculated separately for each piece of equipment. If the equipment is served by control apparatus, the equipment's potential to emit shall include fugitive emissions released from the equipment (but shall not include fugitive emissions released from the general infrastructure of the facility), and shall be calculated after controls, so that the effects of the control apparatus are included in the calculation of the equipment's potential to emit. This is consistent with the definition of "potential to emit" at N.J.A.C. 7:27-8.1. For example:

1. If two or more separate pieces of equipment are to be vented through the same control apparatus, the relative contribution made by each piece of equipment to the emissions from the control apparatus shall be calculated. Using these relative contributions, the applicant shall calculate each piece of equipment's potential to emit; and

2. If one piece of equipment is to be vented through two or more control apparatus, the applicant shall calculate the piece of equipment's potential to emit using the emissions from all of the control apparatus.

(e) An applicant shall document SOTA by complying with all of the following that apply:

1. For an air contaminant subject to LAER (Lowest Achievable Emission Rate) requirements pursuant to N.J.A.C. 7:27-18, compliance with LAER requirements for that air contaminant represents SOTA. LAER is a case by case determination;

2. For an air contaminant subject to BACT (Best Available Control Technology) requirements pursuant to 40 CFR 52.21, compliance with BACT requirements represents SOTA. BACT is a case-by-case determination;

3. For an air contaminant that is a HAP, emitted by equipment for which MACT (Maximum Achievable Control Technology) requirements have been promulgated in 40 CFR Part 63, compliance with MACT requirements represents SOTA;

4. For an air contaminant emitted by equipment for which New Source Performance Standards (NSPS) have been promulgated on or after August 2, 1995, compliance with the NSPS represents SOTA;

5. For an air contaminant not subject to (e)1 through 4 above, SOTA shall be documented through one of the following options. The applicant may choose which option to pursue:

i. An applicant shall document compliance with a SOTA Manual (available from the Department at the address in N.J.A.C. 7:27-8.4(b)) that applies to the source;

ii. If the source is eligible for a general permit under N.J.A.C. 7:27-8.8, an applicant shall register for the general permit in accordance with N.J.A.C. 7:27-8.8; or

iii. An applicant shall document compliance with a case by case SOTA standard determined through the process detailed in (f) below.

(f) A case by case SOTA standard shall be determined by the Department based on a demonstration by the applicant, using a "top down" approach. To perform a "top down" SOTA demonstration, the applicant shall:

1. Identify and evaluate a list of air pollution control technologies or measures that may be applied to the source. This list shall not be limited to measures that have been applied to other existing sources in this same source category. The list shall include measures applied to sources in similar source categories, as well as innovative control technologies, modification of the process or process equipment, other pollution prevention measures, and combinations of the above measures; and

2. Arrange the measures on the list in descending order of air pollution control effectiveness. The first-listed or "top" measure shall constitute SOTA for the source unless the applicant provides one of the following:

i. A demonstration that the top measure should be eliminated from consideration because it is technically

infeasible, based on physical, chemical, or engineering principles, and/or technical difficulties that would prevent the successful application of the measure;

ii. A demonstration that the top measure should be eliminated from consideration based on its environmental impacts. The justification shall show that the adverse environmental effects of the top measure (for example, effects on water or land, HAP emissions, or increased environmental hazards), when compared with its air contaminant emission reduction benefits, would make use of the top measure unreasonable;

iii. A demonstration that the top measure should be eliminated from consideration based on its economic impacts. The justification shall show that the total and incremental costs of the top measure are greater than the total and incremental costs of the proposed measure(s); and that the extra costs, when compared with the air contaminant emission reduction benefits resulting from the top measure, would make use of the top measure unreasonable. All costs shall be calculated using the techniques in the latest edition of EPA's control cost manual; or

iv. A demonstration that the top measure should be eliminated from consideration based on its energy impacts. The justification shall show that the top measure uses fuels that are not reliably available; or that the energy consumed by the top measure is greater than the proposed measure(s), and that the extra energy used, when compared with the air contaminant emission reduction benefits resulting from the top measure, would make use of the top measure unreasonable; and

3. If the top measure is eliminated from consideration under any of the provisions at (f)2i through iv above, the applicant shall evaluate each successive measure on the list, using the procedures described in (f)2 above, until a measure is reached that is not eliminated. Upon the Department's approval of the SOTA demonstration, this measure shall constitute the case by case SOTA for the source.

New Rule, 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).

Former N.J.A.C. 7:27-8.12, Request for an adjudicatory hearing, recodified to N.J.A.C. 7:27-1.32.

Public Notice: Revised SOTA technical manual 13.

See: 35 N.J.R. 1961(b).

Public Notice: Opportunity to Comment on Draft SOTA Technical Manual for Boilers and Process Heaters.

See: 35 N.J.R. 4789(b).

Public Notice: Opportunity to Comment on Draft State-of-the-Art (SOTA) Manual for Stationary Combustion Turbines.

See: 36 N.J.R. 584(b).

7:27-8.13 Conditions of approval

(a) The Department may establish conditions of approval of any preconstruction permit or certificate application.

(b) The Department may change the conditions of approval of a certificate:

1. At the time of renewal of a temporary operating certificate;
2. At the time of approval or renewal of a five-year operating certificate; or
3. At any time during the period a certificate is in effect, if the Department determines that such change is necessary to protect human health or welfare or the environment.

(c) Upon request of the Department, a permittee shall submit to the Department information relevant to the operation of equipment and control apparatus including, but not limited to:

1. A diagram of the facility indicating the location of any equipment and control apparatus, its applicable pre-construction permit and certificate number, any stack designation assigned by the Department, and any stack designation assigned by the person;

2. Records documenting any use of any equipment, control apparatus, or other source operation including, but not limited to, rate of production and hours of operation; and

3. Records documenting any construction or installation of any equipment or control apparatus, including the dates of such construction or installation.

(d) The Department may include, as a condition of approval, a compliance plan. The compliance plan shall include monitoring, recordkeeping, and reporting requirements. Such requirements may include:

(b) The owner or operator of a facility subject to this subchapter, which is in operation prior to the applicable application deadline at N.J.A.C. 7:27-22.5(c), shall obtain and maintain all preconstruction permits and operating

certificates required pursuant to N.J.A.C. 7:27-8 until an operating permit is issued for the facility. These approvals will be superseded by the operating permit when it is issued.



(c) The owner or operator of a facility subject to this subchapter, which commences operation after the applicable application deadline at N.J.A.C. 7:27-22.5(c), shall submit an application for an initial operating permit by the deadline established at N.J.A.C. 7:27-22.5(f). Until the issuance of an operating permit for the facility, the owner or operator of the facility shall obtain and maintain all preconstruction permits and operating certificates required pursuant to N.J.A.C. 7:27-8. These approvals will be superseded by the operating permit when it is issued.

(d) An application for a minor modification pursuant to N.J.A.C. 7:27-22.23, or a significant modification pursuant to N.J.A.C. 7:27-22.24, shall be subject to preconstruction review, which will include a demonstration that any equipment or control apparatus which is constructed, reconstructed, or modified incorporates advances in the art of air pollution control for the kind and amount of air contaminant emitted pursuant to N.J.A.C. 7:27-22.35.

(e) The Department will perform the preconstruction and operating permit reviews of an application for a minor or significant modification simultaneously. Ordinarily, the Department will issue an operating permit modification which includes preconstruction approval. However, if requested by an applicant for a modification, the Department will issue the preconstruction approval simultaneously with the draft permit which is forwarded to EPA pursuant to N.J.A.C. 7:27-22.12. This preconstruction approval will authorize the permittee to begin construction and operation of a minor modification, at the permittee's own risk, in accordance with N.J.A.C. 7:27-22.23. For a significant modification of the operating permit, the permittee may begin construction of a significant modification, but may not operate the modified facility until final issuance of the significant modification.

(f) If a facility or source operation becomes subject to a case-by-case MACT standard pursuant to N.J.A.C. 7:27-22.26(c) prior to issuance of an operating permit for the facility, the owner or operator of the facility shall establish a case-by-case MACT standard pursuant to N.J.A.C. 7:27-22.26(e). The owner or operator of the facility shall obtain and maintain a preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8, which applies the case-by-case MACT standard to the appropriate source operation(s), until an operating permit covering the facility is issued which incorporates the case-by-case MACT standard.

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

7:27-22.34 Early reduction of HAP emissions

(a) This section shall take effect upon EPA's interim approval of the Department's operating permit program.

(b) The Department may allow a six year extension of time for complying with a MACT or GACT standard promulgated by EPA for one or more source operations at a facility, if the source operation achieves sufficient early reductions of HAP emissions. To be eligible for such a compliance extension, an applicant shall demonstrate that, between the end of a representative year and the date upon which EPA proposed the MACT or GACT standard, the relevant source operation(s) at the facility achieved at least the following emission reductions:

1. Ninety percent of all non-particulate HAP emissions; and
2. Ninety-five percent of all particulate HAP emissions.

(c) An applicant seeking an extension pursuant to (b) above shall, in accordance with the procedures at 40 CFR 63 Subpart D, provide to the Department:

1. The quantity of verifiable actual emissions released from the facility during a representative year no earlier than 1987. No year may be used as the representative year for which there is any evidence that emissions during that year are artificially or substantially greater than emissions in other years prior to implementation of emissions reduction measures; and
2. A demonstration that the emissions in (c)1 above were reduced by at least the amounts required in (b) above, between the end of the representative year and the date upon which EPA proposed the MACT or GACT standard.

(d) If the Department approves the compliance extension, the Department will incorporate the compliance extension into the operating permit for the facility. The owner or operator of a source operation for which a compliance extension is approved, and incorporated by the Department into the operating permit, may delay compliance with the MACT or GACT standard otherwise applicable to the source operation for six years after the original compliance date, provided that all conditions of the operating permit are met, and the emission reductions demonstrated to have been achieved pursuant to (c) above are maintained throughout that time.

(e) A compliance extension pursuant to this section shall not be available with respect to any standard or requirement promulgated by EPA to protect health and the environment pursuant to 42 USC 7412(f). If EPA promulgates such a health-based standard, any facility subject to the health-based standard shall comply with such standard according to the schedule set by EPA.

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

7:27-22.35 Advances in the art of air pollution control

(a) Newly constructed, reconstructed, or modified equipment and control apparatus which constitutes a significant source operation shall incorporate advances in the art of air pollution control as developed for the kind and amount of air contaminant emitted by the applicant's equipment and control apparatus as provided in this section.

(b) For equipment and control apparatus with a potential to emit hazardous air pollutants at less than the de minimis levels specified by the EPA pursuant to 42 U.S.C. 7412(g) and with a potential to emit less than five tons per year of any other air contaminant, the applicant need not document advances in the art of air pollution control, but instead shall document compliance with:

1. Reasonably available control technology (RACT) for the air contaminants emitted as set forth in this chapter;
2. Standards of Performance for New Sources of Air Pollution (NSPS), where applicable, as set forth at 40 CFR 60;
3. Any National Emission Standards for Hazardous Air Pollutants (NESHAP), where applicable, as set forth at 40 CFR 61, 63 or promulgated under 42 USC 7412; and
4. Any other applicable State or Federal standard or regulation, including any general operating permit issued pursuant to N.J.A.C. 7:27-22.14 which applies to that source operation.

(c) For equipment and control apparatus with a potential to emit any hazardous air pollutant equal to or greater than the de minimis levels specified by the EPA pursuant to 42 U.S.C. 7412(g) or with a potential to emit five tons per year or more of any other air contaminant, the applicant shall document advances in the art of air pollution control, in accordance with the following criteria, as applicable:

1. Best Available Control Technology (BACT) where applicable, as set forth at 50 CFR 52.21 for air contaminant emission increases subject to standards for prevention of significant deterioration (PSD) pursuant to 40 CFR 52.21;
2. Lowest Achievable Emission Rate (LAER) where applicable, as set forth at 40 CFR 51.165(a)(xiii) and N.J.A.C. 7:27-18 for air contaminants which cause a significant net emissions increase of a nonattainment air contaminant in an area which is nonattainment for that contaminant;
3. Maximum Achievable Control Technology (MACT) or Generally Achievable Control Technology (GACT), where applicable, for air contaminants subject to 40 CFR Subpart 63, governing HAPs;
4. A general operating permit issued pursuant to N.J.A.C. 7:27-22.14 which applies to that source operation; and

5. For any other air contaminant not covered under (c)1, 2, 3, or 4 above, emitted by a source operation with the potential to emit five or more tons per year of that air contaminant, the use of up-to-date technology and methods, reflected in equipment, control apparatus, and procedures, that when applied to an emission source will reasonably minimize emissions of that contaminant.

i. The Department will periodically publish technical manuals containing technology, methods, and performance levels which can be used by applicants for demonstrating advances in the art of air pollution control, after public input and comment. Such technology, methods and performance levels shall have been demonstrated to be reliable for similar air contaminant discharge parameters, and shall be available at reasonable cost commensurate with the reduction in air pollution.

ii. Once the Department has published a technical manual for advances in the art of air pollution control pursuant to (c)5i above, any application submitted which shows compliance with the technical manual shall be considered to incorporate advances in the art of air pollution control for the source operations covered by the technical manual. The Department will periodically review and update the technical manuals, with public notice and input. If the Department amends a technical manual, only applications submitted after the final publication of the amended technical manual shall be subject to it.

iii. Instead of relying on a technical manual for advances in the art of air pollution control, the applicant may propose case by case advances in the art of air pollution control, applicable to a specific source operation. If the Department confirms that the proposal includes up-to-date technology and methods reflected in equipment and procedures, that when applied to an emission source will reasonably minimize emissions, this shall constitute advances in the art of air pollution control for that specific source operation.

New Rule, R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).

See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a).

Amended by R.1999 d.242, effective August 2, 1999 (operative August 31, 1999).

See: 30 N.J.R. 2396(a), 31 N.J.R. 2200(a).

In (c)1, changed CFR reference.

APPENDIX**TABLE A**

Thresholds for Reporting Emissions of Air Contaminants
Other than Hazardous Air Pollutants (HAPs)

Air Contaminant	Hourly Emissions (pounds per hour)
VOC	0.05
TSP	0.05

Air Contaminant	Hourly Emissions (pounds per hour)	CAS Number	Air Contaminant	Annual Emissions (tons per year)	Annual Emissions (pounds per year)
PM-10	0.05	111444	Dichloroethyl ether	0.006	12
NO _x	0.05	542756	1,3-Dichloropropene	0.1	200
CO	0.05	62737	Dichlorvos	0.02	40
SO ₂	0.05	111422	Diethanolamine	0.5	1000
Any other air contaminant ⁽¹⁾	0.05	121697	N,N-Dimethylaniline	0.1	200

(1) This air contaminant category shall apply to any other air contaminant, other than hazardous air pollutants (HAPs) that the facility has the potential to emit in a quantity greater than or equal to 100 tons per year.

TABLE B
Thresholds for Reporting Emissions of
Hazardous Air Pollutants (HAPS)

CAS Number	Air Contaminant	Annual Emissions (tons per year)	Annual Emissions (pounds per year)	CAS Number	Air Contaminant	Annual Emissions (tons per year)	Annual Emissions (pounds per year)
75070	Acetaldehyde	0.9	1800	122667	1,2-Diphenylhydrazine	0.009	18
60355	Acetamide	0.1	200	106898	Epichlorohydrin	0.2	400
75058	Acetonitrile	0.4	800	106887	1,2-Epoxybutane	0.1	200
98862	Acetophenone	0.1	200	140885	Ethyl acrylate	0.1	200
53963	2-Acetylaminofluorene	0.0005	1	100414	Ethyl benzene	1	2000
107028	Acrolein	0.004	8	51796	Ethyl carbamate	0.08	160
79061	Acrylamide	0.002	4	75003	Ethyl chloride	1	2000
79107	Acrylic acid	0.06	120	106934	Ethylene dibromide	0.01	20
107131	Acrylonitrile	0.03	60	107062	Ethylene dichloride	0.08	160
107051	Allyl chloride	0.1	200	107211	Ethylene glycol	1	2000
92671	4-Aminobiphenyl	0.1	200	151564	Ethylene imine	0.0003	0.6
62533	Aniline	0.1	200	75218	Ethylene oxide	0.01	20
90040	o-Anisidine	0.1	200	96457	Ethylene thiourea	0.06	120
71432	Benzene	0.2	400	75343	Ethylidene dichloride	0.1	200
92875	Benzidine	0.00003	0.06	50000	Formaldehyde	0.2	400
98077	Benzotrithloride	0.0006	1.2	76448	Heptachlor	0.002	4
100447	Benzyl chloride	0.01	20	118741	Hexachlorobenzene	0.001	2
92524	Biphenyl	1	2000	87683	Hexachlorobutadiene	0.09	180
117817	Bis(2-ethylhexyl)phthalate	0.5	1000	77474	Hexachlorocyclopentadiene	0.01	20
542881	Bis(chloromethyl)ether	0.00003	0.06	67721	Hexachloroethane	0.5	1000
75252	Bromoform	1	2000	822060	Hexamethylene-1,6-diisocyanate	0.002	4
106990	1,3-Butadiene	0.007	14	680319	Hexamethylphosphoramide	0.001	2
156627	Calcium cyanamide	1	2000	110543	Hexane	1	2000
105602	Caprolactam	1	2000	302012	Hydrazine	0.0004	0.8
133062	Captan	1	2000	7647010	Hydrochloric acid	1	2000
63252	Carbaryl	1	2000	7664393	Hydrogen fluoride	0.01	20
75150	Carbon disulfide	0.1	200	123319	Hydroquinone	0.1	200
56235	Carbon tetrachloride	0.1	200	78591	Isophorone	1	2000
463581	Carbonyl sulfide	0.5	1000	58899	Lindane	0.001	2
120809	Catechol	0.5	1000	108316	Maleic anhydride	0.1	200
133904	Chloramben	0.1	200	67561	Methanol	1	2000
57749	Chlordane	0.001	2	72435	Methoxychlor	1	2000
7782505	Chlorine	0.01	20	74839	Methyl bromide	1	2000
79118	Chloroacetic acid	0.01	20	74873	Methyl chloride	1	2000
532274	2-Chloroacetophenone	0.006	12	71556	Methyl chloroform	1	2000
108907	Chlorobenzene	1	2000	78933	Methyl ethyl ketone	1	2000
510156	Chlorobenzilate	0.04	80	60344	Methyl hydrazine	0.006	12
67663	Chloroform	0.09	180	74884	Methyl iodide	0.1	200
107302	Chloromethyl methyl ether	0.01	20	108101	Methyl isobutyl ketone	1	2000
126998	Chloroprene	0.1	200	624839	Methyl isocyanate	0.01	20
1319773	Cresols/Cresylic acid	0.1	200	80626	Methyl methacrylate	1	2000
95487	o-Cresol	0.1	200	1634044	Methyl tert butyl ether	1	2000
108394	m-Cresol	0.1	200	101144	4,4-Methylene bis(2-chloraniline)	0.02	40
106445	p-Cresol	0.1	200	75092	Methylene chloride	1	2000
98828	Cumene	1	2000	101688	4,4-Methylene diphenyl diisocyanate	0.1	20
94757	2,4-D	1	2000				
547044	DDE	0.001	2	101779	4,4'-Methylenedianiline	0.1	200
334883	Diazomethane	0.1	200	91203	Naphthalene	1	2000
132649	Dibenzofurans	0.5	1000	98953	Nitrobenzene	0.1	200
96128	1,2-Dibromo-3-chloropropane	0.001	2	92933	4-Nitrobiphenyl	0.1	200
84742	Dibutylphthalate	1	2000	100027	4-Nitrophenol	0.5	1000
106467	1,4-Dichlorobenzene	0.3	600	79469	2-Nitropropane	0.1	200
91941	3,3-Dichlorobenzidine	0.02	40	684935	N-Nitroso-N-methylurea	0.00002	0.04

CAS Number	Air Contaminant	Annual Emissions (tons per year)	Annual Emissions (pounds per year)	CAS Number	Air Contaminant	Annual Emissions (tons per year)	Annual Emissions (pounds per year)
62759	N-Nitrosodimethylamine	0.0001	0.2	10210681	Cobalt carbonyl	0.01	20
59892	N-Nitrosomorpholine	0.1	200	62207765	Fluomine	0.01	20
56382	Parathion	0.01	20		Coke oven emissions	0.003	6
82688	Pentachloronitrobenzene	0.03	60		Cyanide compounds (except those listed*)	0.5	1000
87865	Pentachlorophenol	0.07	140	151508	Potassium cyanide	0.01	20
108952	Phenol	0.01	20	143339	Sodium cyanide	0.01	20
106503	p-Phenylenediamine	1	2000		Glycol ethers (except those listed*)	0.5	1000
75445	Phosgene	0.01	20	110805	2-Ethoxy ethanol	1	2000
7803512	Phosphine	0.5	1000	111762	Ethylene glycol monobutyl ether	1	2000
7723140	Phosphorus	0.01	20	108864	2-Methoxy ethanol	1	2000
85449	Phthalic anhydride	0.5	1000		Lead and compounds (except those listed*)	0.001	2
1336363	Polychlorinated biphenyls	0.0009	1.8	78002	Tetraethyl lead	0.001	2
1120714	1,3-Propane sultone	0.003	6	75741	Tetramethyl lead	0.001	2
57578	beta-Propiolactone	0.01	20	7439965	Manganese and compounds (except those listed*)	0.08	160
123386	Propionaldehyde	0.5	1000	12108133	Methylcyclopentadienyl manganese	0.01	20
114261	Propoxur	1	2000		Mercury compounds (except those listed*)	0.001	2
78875	Propylene dichloride	0.1	200	748794	Elemental mercury	0.001	2
75569	Propylene oxide	0.5	1000	10045940	Mercuric chloride	0.001	2
75558	1,2-Propylenimine	0.0003	0.6	62384	Mercuric nitrate	0.001	2
91225	Quinoline	0.0006	1.2		Phenyl mercuric acetate	0.001	2
106514	Quinone	0.5	1000		Nickel compounds (except those listed*)	0.1	200
100425	Styrene	0.1	200	13463393	Nickel carbonyl	0.01	20
96093	Styrene oxide	0.1	200	12035722	Nickel refinery dust	0.008	16
1746016	2,3,7,8-TCDD	0.00000006	0.00012		Nickel subsulfide	0.004	8
79345	1,1,2,2-Tetrachloroethane	0.03	60	56553	Polycyclic organic matter (except those listed*)	0.001	2
127184	Tetrachloroethylene	1	2000	225514	Benz(a)anthracene	0.001	2
7550450	Titanium tetrachloride	0.01	20	50328	Benz(c)acridine	0.001	2
108883	Toluene	1	2000	205992	Benzo(a)pyrene	0.001	2
95807	2,4-Toluene diamine	0.002	4	218019	Benzo(b)fluoranthene	0.001	2
584849	2,4-Toluene diisocyanate	0.01	20	53703	Chrysene	0.001	2
95534	o-Toluidine	0.1	200	189559	Dibenz(a,h)anthracene	0.001	2
8001352	Toxaphene	0.001	2	57976	1,2:7,8-Dibenzopyrene	0.001	2
120821	1,2,4-Trichlorobenzene	1	2000	193395	7,12-Dimethylbenz(a)anthracene	0.001	2
79005	1,1,2-Trichloroethane	0.1	200	7782492	Indeno(1,2,3-c,d)pyrene	0.001	2
79016	Trichloroethylene	1	2000		Selenium compounds (except those listed*)	0.01	20
95954	2,4,5-Trichlorophenol	0.1	200	7783075	Hydrogen selenide	0.01	20
88062	2,4,6-Trichlorophenol	0.6	1200	7488564	Selenium sulfide (mono and di)	0.01	20
121448	Triethylamine	1	2000	13410010	Sodium selenate	0.01	20
1582098	Trifluralin	0.9	1800	10102188	Sodium selenite	0.01	20
540841	2,2,4-Trimethylpentane	0.5	1000				
108054	Vinyl acetate	0.1	200				
593602	Vinyl bromide	0.06	120				
75014	Vinyl chloride	0.02	40				
75354	Vinylidene chloride	0.04	80				
1330207	Xylenes	1	2000				
95476	o-Xylenes	1	2000				
108380	m-Xylenes	1	2000				
106423	p-Xylenes	1	2000				
CHEMICAL COMPOUND CLASSES							
	Antimony compounds (except those listed*)	0.5	1000	<p>* For this chemical group, specific compounds or subgroups are named specifically in this table. For the remainder of the chemicals of the chemical group, a single de minimis value is listed; this value applies to compounds which are not named specifically.</p> <p>New Rule, R.1995 d.493, effective September 5, 1995 (operative October 8, 1995). See: 27 N.J.R. 1040(a), 27 N.J.R. 3421(a). 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).</p> <p style="text-align:center">SUBCHAPTER 23. PREVENTION OF AIR POLLUTION FROM ARCHITECTURAL COATINGS AND CONSUMER PRODUCTS</p> <p style="text-align:center">Authority N.J.S.A. 13:1B-3 and 26:2C-1 et seq., specifically N.J.S.A. 26:2C-8.</p>			
7783702	Antimony pentafluoride	0.01	20				
8300745	Antimony potassium tartrate	0.1	200				
1309644	Antimony trioxide	0.1	200				
1345046	Antimony trisulfide	0.01	20				
	Arsenic & inorganic arsenic compounds	0.0005	1				
7784421	Arsine	0.0005	1				
	Beryllium compounds (except Be salts*)	0.0008	1.6				
	Beryllium salts	0.000002	0.004				
	Cadmium compounds	0.001	2				
130618	Cadmium oxide	0.001	2				
	Chromium compounds (except hexavalent & trivalent)	0.5	1000				
	Hexavalent Chromium compounds	0.0002	0.4				
	Trivalent Chromium compounds	0.5	1000				
10025737	Chromic chloride	0.001	2				
744084	Cobalt metal and compounds (except those listed*)	0.01	20				

Source and Effective Date

R.1989 d.119, effective February 21, 1989 (operative March 26, 1989).
See: 20 N.J.R. 2002(a), 21 N.J.R. 462(a).

Subchapter Historical Note

Notice of Rule Invalidation: Provisions of N.J.A.C. 7:27-23 held to require repromulgation and remanded to Commissioner, Department of Environmental Protection, for action consonant with the Administrative Procedure Act. In the Matter of the Adoption of Regulations Governing Volatile Organic Substances in Consumer Products, N.J.A.C. 7:27-23, ___ N.J. Super. ___, Dkt. No. A-1226-89T1 (App. Div. February 26, 1990). See: 22 N.J.R. 1134(b).

7:27-23.1 Applicability

(a) This subchapter prescribes the rules of the Department for limiting the VOC content of architectural coatings and consumer products. The following sections shall govern the content of architectural coatings and consumer products used and provided for use in the State and the method to be followed by manufacturers, distributors, and retailers to assure these standards are met.