

CHAPTER 27

AIR POLLUTION CONTROL

Authority

N.J.S.A. 13:1B-3, 13:1B-3(e), 13:1D-9, 13:1D-13a et seq., 26:2C-1 et seq., in particular 26:2C-9b(7)(b), 9.2 and 9.5, 26:2C-8 et seq., specifically 26:2C-8, 8.1 through 8.5, 8.11, and 39:8-61.

Chapter Expiration Date

Chapter 27, Air Pollution Control, is exempt from Executive Order No. 66(1978).

Chapter Historical Note

Chapter 27, Air Pollution Control, was adopted and became effective prior to September 1, 1969.

Subchapter 30, Open Market Emissions Trading, was adopted as R.1996 d.303, effective July 1, 1996 (operative August 2, 1996). See: 28 N.J.R. 1147(b), 28 N.J.R. 3414(a).

Subchapter 30, Open Market Emissions Trading, was repealed by R.2004 d.129, effective April 5, 2004 (operative April 25, 2004). See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).

Subchapter 31, NO_x Budget Program, was adopted as new rules by R.1998 d.379, effective July 20, 1998 (operative August 16, 1998). See: 29 N.J.R. 3924(b), 29 N.J.R. 4226(a), 30 N.J.R. 2660(a).

Subchapter 26, National Low Emission Vehicle (NLEV) Program, and Subchapter 26 Appendix were repealed and Subchapter 29, Low Emission Vehicle Program, was adopted as new rules by R.2006 d.34, effective January 17, 2006 (operative January 27, 2006). See: 37 N.J.R. 2762(a), 38 N.J.R. 497(b).

Subchapter 30, CAIR NO_x Trading Program, was adopted as new rules by R.2007 d.223, effective July 16, 2007 (operative August 17, 2007). See: 39 N.J.R. 300(a), 39 N.J.R. 2637(a).

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CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:27-1.1 Scope
- 7:27-1.2 Construction
- 7:27-1.3 Practice where rules do not govern
- 7:27-1.4 Definitions
- 7:27-1.5 Municipal ordinances or regulations
- 7:27-1.6 Procedure for making a confidentiality claim
- 7:27-1.7 Designation by claimant of an addressee for notices and inquiries
- 7:27-1.8 Correspondence, inquiries and notices
- 7:27-1.9 Time for making confidentiality determinations
- 7:27-1.10 Notice of initial confidentiality determination, and of requirement to submit substantiation of claim
- 7:27-1.11 Substantiation of confidentiality claims
- 7:27-1.12 Time for submission of substantiation
- 7:27-1.13 Final confidentiality determination

- 7:27-1.14 Treatment of information pending confidentiality determination
- 7:27-1.15 Availability of information to the public after determination that information is not confidential
- 7:27-1.16 Preparation of final public copy
- 7:27-1.17 Class confidentiality determinations
- 7:27-1.18 Classes of information which are not confidential information
- 7:27-1.19 Disclosure of confidential information to other public agencies
- 7:27-1.20 Disclosure of confidential information to contractors
- 7:27-1.21 Disclosure to alleviate an imminent and substantial danger
- 7:27-1.22 Notice to claimants of disclosure of confidential information
- 7:27-1.23 Disclosure by consent
- 7:27-1.24 Incorporation of confidential information into cumulations of data
- 7:27-1.25 Disclosure of confidential information in rulemaking, permitting, and enforcement proceedings
- 7:27-1.26 Hearing before disclosure of information for which a confidentiality claim has been made
- 7:27-1.27 Nondisclosure of confidential information
- 7:27-1.28 Safeguarding of confidential information
- 7:27-1.29 Confidentiality agreements
- 7:27-1.30 Wrongful access or disclosure; penalties
- 7:27-1.31 Right to enter
- 7:27-1.32 Request for an adjudicatory hearing
- 7:27-1.33 Request for a stay of the effective date of a departmental decision
- 7:27-1.34 through 7:27-1.35 (Reserved)
- 7:27-1.36 Applicability
- 7:27-1.37 Severability
- 7:27-1.38 Liberal construction
- 7:27-1.39 Certification of information

SUBCHAPTER 2. CONTROL AND PROHIBITION OF BURNING

- 7:27-2.1 Definitions
- 7:27-2.2 Open burning for salvage operations
- 7:27-2.3 Open burning of refuse
- 7:27-2.4 General provisions
- 7:27-2.5 Infested plant life
- 7:27-2.6 Prescribed burning
- 7:27-2.7 Emergencies
- 7:27-2.8 Dangerous material
- 7:27-2.9 Herbaceous plant life and hedgerows
- 7:27-2.10 Orchard prunings and cullings
- 7:27-2.11 Land clearing
- 7:27-2.12 Special permit
- 7:27-2.13 Fees

SUBCHAPTER 3. CONTROL AND PROHIBITION OF SMOKE FROM COMBUSTION OF FUEL

- 7:27-3.1 Definitions
- 7:27-3.2 Smoke emissions from stationary indirect heat exchangers
- 7:27-3.3 Smoke emissions from marine installations
- 7:27-3.4 Smoke emissions from the combustion of fuel in mobile sources
- 7:27-3.5 Smoke emissions from stationary internal combustion engines and stationary turbine engines
- 7:27-3.6 Stack test
- 7:27-3.7 Exceptions

SUBCHAPTER 4. CONTROL AND PROHIBITION OF PARTICLES FROM COMBUSTION OF FUEL

- 7:27-4.1 Definitions
- 7:27-4.2 Standards for the emission of particles
- 7:27-4.3 Performance test principle

- 7:27-4.4 Emission tests
- 7:27-4.5 (Reserved)
- 7:27-4.6 Exemptions

SUBCHAPTER 5. PROHIBITION OF AIR POLLUTION

- 7:27-5.1 Definitions
- 7:27-5.2 General provisions

SUBCHAPTER 6. CONTROL AND PROHIBITION OF PARTICLES FROM MANUFACTURING PROCESSES

- 7:27-6.1 Definitions
- 7:27-6.2 Standard for the emission of particles
- 7:27-6.3 Performance test principles
- 7:27-6.4 Emission tests
- 7:27-6.5 Variances
- 7:27-6.6 (Reserved)
- 7:27-6.7 Exemptions

SUBCHAPTER 7. SULFUR

- 7:27-7.1 Definitions
- 7:27-7.2 Control and prohibition of air pollution from sulfur compounds

SUBCHAPTER 8. PERMITS AND CERTIFICATES FOR MINOR FACILITIES (AND MAJOR FACILITIES WITHOUT AN OPERATING PERMIT)

- 7:27-8.1 Definitions
- 7:27-8.2 Applicability
- 7:27-8.3 General provisions
- 7:27-8.4 How to apply, register, submit a notice, or renew
- 7:27-8.5 Air quality impact analysis
- 7:27-8.6 Service fees
- 7:27-8.7 Operating certificates
- 7:27-8.8 General permits
- 7:27-8.9 Environmental improvement pilot tests
- 7:27-8.10 Public comment
- 7:27-8.11 Standards for issuing a permit
- 7:27-8.12 State of the art
- 7:27-8.13 Conditions of approval
- 7:27-8.14 Denials
- 7:27-8.15 Reporting requirements
- 7:27-8.16 Revocation
- 7:27-8.17 Changes to existing permits and certificates
- 7:27-8.18 Permit revisions
- 7:27-8.19 Compliance plan changes
- 7:27-8.20 Seven-day-notice changes
- 7:27-8.21 Amendments
- 7:27-8.22 Changes to sources permitted under batch plant, pilot plant, dual plant, or laboratory operations permitting procedures
- 7:27-8.23 Reconstruction
- 7:27-8.24 Special provisions for construction but not operation
- 7:27-8.25 Special provisions for pollution control equipment or pollution prevention process modifications
- 7:27-8.26 Civil or criminal penalties for failure to comply
- 7:27-8.27 Special facility-wide permit provisions
- 7:27-8.28 Delay of testing

APPENDIX 1

SUBCHAPTER 9. SULFUR IN FUELS

- 7:27-9.1 Definitions
- 7:27-9.2 Sulfur content standards
- 7:27-9.3 Exemptions
- 7:27-9.4 Waiver of air quality modelling
- 7:27-9.5 Incentive for conversion to coal or other solid fuel

SUBCHAPTER 10. SULFUR IN SOLID FUELS

- 7:27-10.1 Definitions
- 7:27-10.2 Sulfur contents standards

- 7:27-10.3 Expansion, reconstruction or construction of solid fuel burning units
- 7:27-10.4 Exemptions

SUBCHAPTER 11. INCINERATORS

- 7:27-11.1 Definitions
- 7:27-11.2 Construction standards
- 7:27-11.3 Emission standards
- 7:27-11.4 Permit to construct; certificate to operate
- 7:27-11.5 Operation
- 7:27-11.6 Exemptions

SUBCHAPTER 12. PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES

- 7:27-12.1 Definitions
- 7:27-12.2 Emergency criteria
- 7:27-12.3 Criteria for emergency termination
- 7:27-12.4 Standby plans
- 7:27-12.5 Standby orders
- 7:27-12.6 (Reserved)

SUBCHAPTER 13. AMBIENT AIR QUALITY STANDARDS

- 7:27-13.1 Definitions
- 7:27-13.2 General ambient air quality standards
- 7:27-13.3 Ambient air quality standards for suspended particulate matter
- 7:27-13.4 Ambient air quality standards for sulfur dioxide
- 7:27-13.5 Ambient air quality standards for carbon monoxide
- 7:27-13.6 Ambient air quality standards for ozone
- 7:27-13.7 Ambient air quality standards for lead
- 7:27-13.8 Ambient air quality standards for nitrogen dioxide

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

- 7:27-14.1 Definitions
- 7:27-14.2 Applicability
- 7:27-14.3 General prohibitions
- 7:27-14.4 General public highway standards
- 7:27-14.5 Test requirements
- 7:27-14.6 Inspection standards
- 7:27-14.7 Non-interference with the motor vehicle codes

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

- 7:27-15.1 Definitions
- 7:27-15.2 Applicability
- 7:27-15.3 General public highway standards
- 7:27-15.4 New motor vehicle dealer inspections
- 7:27-15.5 Motor vehicle inspections
- 7:27-15.6 Motor vehicle inspection standards
- 7:27-15.7 Prohibition of tampering with emission control apparatus
- 7:27-15.8 Idle standard
- 7:27-15.9 Non-interference with the motor vehicle codes

APPENDIX

SUBCHAPTER 16. CONTROL AND PROHIBITION OF AIR POLLUTION BY VOLATILE ORGANIC COMPOUNDS

- 7:27-16.1 Definitions
- 7:27-16.1A Purpose, scope, applicability, and severability
- 7:27-16.2 Stationary storage tanks
- 7:27-16.3 Gasoline transfer operations
- 7:27-16.4 VOC transfer operations, other than gasoline
- 7:27-16.5 Marine tank vessel loading and ballasting operations
- 7:27-16.6 Open top tanks and solvent cleaning operations
- 7:27-16.7 Surface coating and graphic arts operations

AIR POLLUTION CONTROL

- 7:27-16.8 Boilers
- 7:27-16.9 Stationary combustion turbines
- 7:27-16.10 Stationary reciprocating engines
- 7:27-16.11 Asphalt plants
- 7:27-16.12 Surface coating operations at mobile equipment repair and refinishing facilities
- 7:27-16.13 Flares
- 7:27-16.14 through 7:27-16.15 (Reserved)
- 7:27-16.16 Other source operations
- 7:27-16.17 Facility-specific VOC control requirements
- 7:27-16.18 Leak detection and repair
- 7:27-16.19 Application of cutback and emulsified asphalts
- 7:27-16.20 Petroleum solvent dry cleaning operations
- 7:27-16.21 Natural gas pipelines
- 7:27-16.22 Emission information, record keeping and testing
- 7:27-16.23 Procedures for demonstrating compliance
- 7:27-16.24 through 7:27-16.25 (Reserved)
- 7:27-16.26 Variances
- 7:27-16.27 Exceptions

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

- 7:27-17.1 Definitions
- 7:27-17.2 Asbestos surface coating
- 7:27-17.3 Storage, transfer, and use of toxic substances
- 7:27-17.4 Discharge of toxic substances
- 7:27-17.5 Operating instructions
- 7:27-17.6 Emission information and tests
- 7:27-17.7 Permit to construct and certificate to operate
- 7:27-17.8 Applicability
- 7:27-17.9 Exceptions

SUBCHAPTER 18. CONTROL AND PROHIBITION OF AIR POLLUTION FROM NEW OR ALTERED SOURCES AFFECTING AMBIENT AIR QUALITY (EMISSION OFFSET RULES)

- 7:27-18.1 Definitions
- 7:27-18.2 Facilities subject to this subchapter
- 7:27-18.2A (Reserved)
- 7:27-18.3 Standards for issuance of permits
- 7:27-18.4 Air quality impact analysis
- 7:27-18.5 Standards for use of emission reductions as emission offsets
- 7:27-18.6 Emission offset postponement
- 7:27-18.7 Determination of a net emission increase or a significant net emission increase
- 7:27-18.8 Banking of emission reductions
- 7:27-18.9 Secondary emissions
- 7:27-18.10 Exemptions
- 7:27-18.11 (Reserved)
- 7:27-18.12 Civil or criminal penalties for failure to comply

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

- 7:27-19.1 Definitions
- 7:27-19.2 Purpose, scope and applicability
- 7:27-19.3 General provisions
- 7:27-19.4 Boilers serving electric generating units
- 7:27-19.5 Stationary combustion turbines
- 7:27-19.6 Emissions averaging
- 7:27-19.7 Industrial/commercial/institutional boilers and other indirect heat exchangers
- 7:27-19.8 Stationary reciprocating engines
- 7:27-19.9 Asphalt plants
- 7:27-19.10 Glass manufacturing furnaces
- 7:27-19.11 Emergency generators—recordkeeping
- 7:27-19.12 (Reserved)
- 7:27-19.13 Facility-specific NO_x emissions limits
- 7:27-19.14 Procedures for obtaining approvals under this subchapter
- 7:27-19.15 Procedures and deadlines for demonstrating compliance

- 7:27-19.16 Adjusting combustion processes
- 7:27-19.17 Source emissions testing
- 7:27-19.18 Continuous emissions monitoring
- 7:27-19.19 Recordkeeping and recording
- 7:27-19.20 Fuel switching
- 7:27-19.21 Phased compliance—repowering
- 7:27-19.22 Phased compliance—impracticability of full compliance by May 31, 1995
- 7:27-19.23 Phased compliance—use of innovative control technology
- 7:27-19.24 MEG alerts
- 7:27-19.25 Exemption for emergency use of fuel oil
- 7:27-19.26 Penalties
- 7:27-19.27 Use of NO_x budget allowances by a former DER credit user

APPENDIX

SUBCHAPTER 20. USED OIL COMBUSTION

- 7:27-20.1 Definitions
- 7:27-20.2 General provisions
- 7:27-20.3 Burning of on-specification used oil in space heaters covered by a registration
- 7:27-20.4 Burning of on-specification used oil in space heaters covered by a permit
- 7:27-20.5 Demonstration that used oil is on-specification
- 7:27-20.6 Burning of on-specification oil in other combustion units
- 7:27-20.7 Burning of off-specification used oil
- 7:27-20.8 Ash standard
- 7:27-20.9 Exception

SUBCHAPTER 21. EMISSION STATEMENTS

- 7:27-21.1 Definitions
- 7:27-21.2 Applicability
- 7:27-21.3 General provisions
- 7:27-21.4 Procedure for submitting an Emission Statement
- 7:27-21.5 Required contents of an Emission Statement
- 7:27-21.6 Methods to be used for quantifying actual emissions
- 7:27-21.7 Recordkeeping requirements
- 7:27-21.8 Certification of information
- 7:27-21.9 Request for extension
- 7:27-21.10 Determination of non-applicability
- 7:27-21.11 Severability

APPENDIX 1

SUBCHAPTER 22. OPERATING PERMITS

- 7:27-22.1 Definitions
- 7:27-22.2 Applicability
- 7:27-22.3 General provisions
- 7:27-22.4 General application procedures
- 7:27-22.5 Application procedures for initial operating permits
- 7:27-22.6 Operating permit application contents
- 7:27-22.7 Application shield
- 7:27-22.8 Air quality simulation modeling and risk assessment
- 7:27-22.9 Compliance plans
- 7:27-22.10 Completeness review
- 7:27-22.11 Public comment
- 7:27-22.12 EPA comment
- 7:27-22.13 Final action on an application
- 7:27-22.14 General operating permits
- 7:27-22.15 Temporary facility operating permits
- 7:27-22.16 Operating permit contents
- 7:27-22.17 Permit shield
- 7:27-22.18 Source emissions testing and monitoring
- 7:27-22.19 Recordkeeping, reporting and compliance certification
- 7:27-22.20 Administrative amendments
- 7:27-22.21 Changes to insignificant source operations
- 7:27-22.22 Seven-day-notice changes
- 7:27-22.23 Minor modifications
- 7:27-22.24 Significant modifications

7:27-22.24A Reconstruction
 7:27-22.25 Department initiated operating permit modifications
 7:27-22.26 MACT and GACT standards
 7:27-22.27 Operating scenarios
 7:27-22.28 (Reserved)
 7:27-22.28A Emissions trading
 7:27-22.28B Facility-specific emissions averaging programs
 7:27-22.29 Facilities subject to acid deposition control
 7:27-22.30 Renewals
 7:27-22.31 Fees
 7:27-22.32 Hearings and appeals
 7:27-22.33 Preconstruction review
 7:27-22.34 Early reduction of HAP emissions
 7:27-22.35 Advances in the art of air pollution control

APPENDIX. THRESHOLDS FOR REPORTING EMISSIONS OF AIR CONTAMINANTS OTHER THAN HAZARDOUS AIR POLLUTANTS (HAPS)

SUBCHAPTER 23. PREVENTION OF AIR POLLUTION FROM ARCHITECTURAL COATINGS

7:27-23.1 Applicability
 7:27-23.2 Definitions
 7:27-23.3 Standards
 7:27-23.4 Compliance provisions and test methods
 7:27-23.5 Labeling requirements
 7:27-23.6 Administrative and reporting requirements
 7:27-23.7 Inspections
 7:27-23.8 Penalties for failure to comply

SUBCHAPTER 24. PREVENTION OF AIR POLLUTION FROM CONSUMER PRODUCTS

7:27-24.1 Definitions
 7:27-24.2 Applicability
 7:27-24.3 General provisions
 7:27-24.4 Chemically formulated consumer products: standards
 7:27-24.5 Chemically formulated consumer products: registration and labeling
 7:27-24.6 Chemically formulated consumer products: recordkeeping and reporting
 7:27-24.7 Chemically formulated consumer products: testing
 7:27-24.8 Portable fuel containers and spill proof spouts: standards
 7:27-24.9 Portable fuel containers and spill proof spouts: labeling
 7:27-24.10 Portable fuel containers and spill proof spouts: recordkeeping and reporting
 7:27-24.11 Portable fuel containers and spill proof spouts: testing
 7:27-24.12 Penalties and other requirements imposed for failure to comply

SUBCHAPTER 25. CONTROL AND PROHIBITION OF AIR POLLUTION BY VEHICULAR FUELS

7:27-25.1 Definitions
 7:27-25.2 Scope and applicability
 7:27-25.3 General provisions
 7:27-25.4 Recordkeeping and compliance determinations
 7:27-25.5 Inspections
 7:27-25.6 Petition for rulemaking in the case of imminent supply shortage
 7:27-25.7 Exemptions
 7:27-25.8 Owner and operator responsibility
 7:27-25.9 Service fees
 7:27-25.10 through 7:27-25.11 (Reserved)

SUBCHAPTER 26. (RESERVED)

SUBCHAPTER 27. CONTROL AND PROHIBITION OF MERCURY EMISSIONS

7:27-27.1 Definitions
 7:27-27.2 Purpose and applicability

7:27-27.3 General provisions
 7:27-27.4 Municipal solid waste (MSW) incinerators
 7:27-27.5 Hospital/medical/infectious waste (HMIW) incinerators
 7:27-27.6 Iron or steel melters
 7:27-27.7 Coal-fired boilers
 7:27-27.8 Stack emission testing, permit applications and continuous emission monitoring
 7:27-27.9 Reporting and recordkeeping
 7:27-27.10 Penalties
 7:27-27.11 Severability

SUBCHAPTER 28. HEAVY-DUTY DIESEL NEW ENGINE STANDARDS AND REQUIREMENTS PROGRAM

7:27-28.1 Definitions
 7:27-28.2 Applicability
 7:27-28.3 Requirements for engine and vehicle transactions
 7:27-28.4 Exemptions and technology review
 7:27-28.5 Recordkeeping
 7:27-28.6 Annual reporting
 7:27-28.7 Prohibition against stockpiling
 7:27-28.8 Manufacturer compliance with California orders and voluntary recalls
 7:27-28.9 Enforcement
 7:27-28.10 Severability

SUBCHAPTER 29. LOW EMISSION VEHICLE PROGRAM

7:27-29.1 Definitions
 7:27-29.2 Purpose
 7:27-29.3 Applicability — LEV program
 7:27-29.4 Emission certification standards
 7:27-29.5 NMOG fleet-wide average exhaust emission requirement
 7:27-29.6 ZEV Sales Requirement
 7:27-29.7 ZEV Credit Bank
 7:27-29.8 Fees
 7:27-29.9 Vehicle testing
 7:27-29.10 Warranty
 7:27-29.11 Reporting requirements
 7:27-29.12 Enforcement
 7:27-29.13 Incorporation by reference
 7:27-29.14 Severability

SUBCHAPTER 30. CAIR NO_x TRADING PROGRAM

7:27-30.1 Purpose and scope
 7:27-30.2 Definitions
 7:27-30.3 Allocation of CAIR NO_x annual allowances and CAIR NO_x ozone season allowances
 7:27-30.4 The compliance supplement pool
 7:27-30.5 Claims for incentive allowances
 7:27-30.6 Reporting requirements

SUBCHAPTER 31. NO_x BUDGET PROGRAM

7:27-31.1 Purpose and scope
 7:27-31.2 Definitions
 7:27-31.3 Applicability and general provisions
 7:27-31.4 Opt-in provisions
 7:27-31.5 Interface with the emission offset program
 7:27-31.6 Use of allowances by former users of DER credits
 7:27-31.7 Annual allowance allocation
 7:27-31.8 Claims for incentive allowances
 7:27-31.9 Permits
 7:27-31.10 Allowance use, transfer and retirement
 7:27-31.11 Allowance banking
 7:27-31.12 Early reductions
 7:27-31.13 NO_x Allowance Tracking System (NATS)
 7:27-31.14 Emissions monitoring
 7:27-31.15 Recordkeeping
 7:27-31.16 Reporting
 7:27-31.17 End-of-season reconciliation
 7:27-31.18 Compliance certification

7:27-31.19	Excess emissions deduction
7:27-31.20	Program audit
7:27-31.21	Guidance documents and sources incorporated by reference
7:27-31.22	Compliance supplement pool
7:27-31.23	Replacement of the NO _x Budget Program

APPENDIX. CHEMICALS DEFINING SYNTHETIC
ORGANIC CHEMICAL AND POLYMER
MANUFACTURING

SUBCHAPTER 1. GENERAL PROVISIONS

7:27-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Bureau of Air Pollution Control and shall govern the emitting of and such activities as result in the introducing of contaminants into the ambient atmosphere.

7:27-1.2 Construction

(a) These rules shall be construed so as to permit the Department, the Bureau of Air Pollution Control and its various agencies to discharge its statutory functions.

(b) The Commissioner and the Director of the Division of Environmental Quality may amend, expand or repeal these rules after public hearing. Such actions shall be filed with the Secretary of State as required by law.

7:27-1.3 Practice where rules do not govern

The Commissioner, the Director of the Division of Environmental Quality or any agency chief shall exercise his discretion in respect of any other matters not governed by these rules.

7:27-1.4 Definitions

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

“Air pollution” means the presence in the outdoor atmosphere of substances in quantities which are injurious to human, plant or animal life or to property or unreasonably interfere with the comfortable enjoyment of life and property throughout the State and in such territories of the State as shall be affected thereby and excludes all aspects of employer-employee relationship as to health and safety hazards.

“Assertedly confidential information” means information which is the subject of a confidentiality claim, for which a confidentiality determination has not been made.

“ASTM” means the American Society for Testing and Materials.

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

“Carbon monoxide” or “CO” means a gas comprised of molecules consisting of one carbon atom and one oxygen atom.

“CFR” means the Code of Federal Regulations.

“Claimant” means any person who submits a confidentiality claim under this subchapter.

“Class confidentiality determination” means a confidentiality determination made by the Department under N.J.A.C. 7:27-1.17, for a class of information.

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

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

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

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

(a) The primary air quality standards are:

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

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

(b) The secondary air quality standards are:

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

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

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

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

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

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

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

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

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

7:27-13.6 Ambient air quality standards for ozone

(a) The primary air quality standard is:

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

(b) The secondary air quality standard is:

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

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

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

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

7:27-13.7 Ambient air quality standards for lead

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

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

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

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

Deleted old text and substituted new.

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

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

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

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

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

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

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

7:27-14.1 Definitions

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

"Alternative smoke opacity standard" means the smoke opacity standard applicable to a specific vehicle-engine-chassis combination, as determined by the procedure set forth at N.J.A.C. 7:27B-4.5.

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

"Blue smoke" means smoke in the exhaust emissions of a diesel-powered motor vehicle which has a hue of the portion of the visible light spectrum which lies between green and violet.

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

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

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

“Department” means the New Jersey Department of Environmental Protection.

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

“Diesel engine” means a compression ignition type of internal combustion engine.

“Diesel particulate filter” means an exhaust emissions aftertreatment device that physically entraps and prevents from being emitted into the air at least 85 percent of the particulate matter contained in the full exhaust stream emitted by the engine.

“Diesel-powered” means utilizing a diesel engine.

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

“Electrification technology” means a technology that harnesses an off-vehicle electrical system to provide a vehicle with climate control and other needs.

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

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

“EPA” means the United States Environmental Protection Agency.

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

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

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

“High speed diesel engine” means any diesel engine with a maximum governed engine speed over 2,800 RPM.

“Idle” means an operating mode where the vehicle engine is in operation while the vehicle is stationary at any location.

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

“Low speed diesel engine” means any diesel engine with a maximum governed engine speed of no more than 2,200 RPM.

“Medium speed diesel engine” means any diesel engine with a maximum governed engine speed of 2,201 RPM to 2,800 RPM.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section substantially amended.

Administrative Corrections.

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

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

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

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

“Diesel engine” and “Diesel-powered motor vehicle” to read “Diesel powered”; deleted “Autobus”; and amended “Department”, “Exhaust emissions”, “Idle”, “Opacity”, “Person” and “Smoke”.

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Deleted “Smokemeter” definition.

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

Inserted “High speed diesel engine” and “Medium speed diesel engine”; and rewrote “Low speed engine” as “Low speed diesel engine”. Administrative change.

See: 33 N.J.R. 3550(a).

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Added definitions “Diesel particulate filter” and “Electrification technology”; and in definition “Idle”, substituted “the vehicle engine is in operation while the vehicle is stationary at any location” for “the vehicle engine is not engaged in gear and where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer”.

7:27-14.2 Applicability

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

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

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

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

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

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

7:27-14.3 General prohibitions

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

1. A motor vehicle that has been stopped for three or more hours may idle for up to 15 consecutive minutes when the ambient temperature is below 25 degrees Fahrenheit; and

2. A diesel bus while it is actively discharging or picking up passengers may idle for 15 consecutive minutes in a 60-minute period.

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

1. Any motor vehicle idling in traffic, or a motor vehicle other than a school bus idling in a queue of motor vehicles, that are intermittently motionless and moving because

the progress of the motor vehicles in the traffic or the queue has been stopped or slowed by the congestion of traffic on the roadway or by other conditions over which the driver of the idling motor vehicle has no control;

2. A motor vehicle whose primary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operation other than propulsion. This use includes, but is not limited to, operating lift gate pumps and controlling cargo temperature. This exemption does not apply to passenger compartment heating or passenger compartment air conditioning;

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

4. Vehicles that are actively performing emergency services. Examples include fire vehicles, police vehicles, public utility vehicles, military tactical vehicles and snow removal vehicles, during the time that such vehicles are actively performing emergency services;

5. A motor vehicle while it is being repaired or serviced, provided that operation of the engine is essential to the proper repair or service;

6. Subject to (b)7i below, on or before April 30, 2010, a motor vehicle, manufactured with a sleeper berth, while it is being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting, unless the vehicle is equipped with a functional auxiliary power system designed in whole or in part to maintain cabin or sleeper berth comfort or to mitigate cold weather start-up difficulties;

7. Beginning May 1, 2010, a vehicle equipped with a sleeper berth, which vehicle is equipped with a model year 2007 or newer engine, or has been retrofitted with a diesel particulate filter that is connected and properly functioning.

i. If the Commissioner, after consulting with the New Jersey Department of Transportation and the State Police, determines that public safety would be adversely affected if the exemption in (b)7 above were to take effect on May 1, 2010, the Commissioner may, by notice published in the New Jersey Register on or before May 1, 2010, delay the operative date of the exemption in (b)7 above, and extend the exemption in (b)6 above, for up to one year, but in no case may the exemption of (b)6 above be extended beyond April 30, 2011; or

8. The operation of technology designed to reduce engine idling, such as auxiliary or alternate power units (APUs), generator sets, and bunk heaters, provided the vehicle's main engine is not operating.

(c) Beginning May 1, 2008, no person shall cause, suffer, allow, or permit the engine of a diesel-powered motor vehicle to idle for more than three consecutive minutes when that vehicle is parked in a parking space with available electrification technology.

(d) In no case shall the provisions of (a) and (b) above relieve any person from compliance with N.J.A.C. 7:27-5, Prohibition of Air Pollution, or any other applicable local, State or Federal law.

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

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

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

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

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

Section recodified to 14.2 and this section repealed.

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

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

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

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

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

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

Rewrote the section.

7:27-14.4 General public highway standards

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

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

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

3. Does not have a properly functioning and properly maintained emission control apparatus, as determined according to the emissions control apparatus examination procedures established at N.J.A.C. 7:27B-4.4; or

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

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

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

Administrative change.

See: 33 N.J.R. 3550(a).

7:27-14.5 Test requirements

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

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);
3. The stall smoke opacity test, for a vehicle with a medium or high speed diesel engine and an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c); or
4. The visible black smoke screening test, as described at N.J.A.C. 7:27B-4.3(d).

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

1. The snap acceleration smoke opacity test, for a vehicle with a low or a medium speed diesel engine, only, as described at N.J.A.C. 7:27B-4.3(a);
2. The rolling acceleration smoke opacity test, as described at N.J.A.C. 7:27B-4.3(b);
3. The stall smoke opacity test, for a vehicle with a medium or high speed diesel engine and an automatic transmission, only, as described at N.J.A.C. 7:27B-4.3(c); or
4. (Reserved)

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

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

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

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

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

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

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

(e) A person testing a diesel-powered motor vehicle, as part of either the roadside enforcement program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-46 or the periodic inspection program established pursuant to N.J.S.A. 39:8-64 and N.J.A.C. 13:20-26.17, or the self-inspection program established pursuant to N.J.A.C. 13:20-26 and 16:53-3, shall conduct an examination of the emission control apparatus as described at N.J.A.C. 7:27B-4.4(a).

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

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

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4; deleted (c); and recodified former (d) through (f) as (c) through (e).

Amended by R.1999 d.210, effective July 6, 1999 (operative August 10, 1999).

See: 31 N.J.R. 828(a), 31 N.J.R. 1803(b).

In (a)1 and (b)1, substituted references to low and medium speed diesel engines for references to low speed engines; and in (a)3 and (b)3, inserted references to medium and high speed diesel engines. Administrative change.

See: 33 N.J.R. 3550(a).

7:27-14.6 Inspection standards

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

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

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

(b) A heavy-duty diesel vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test, or the stall smoke opacity test set forth

at N.J.A.C. 7:27B-4, shall not emit smoke in the exhaust emissions which exceeds the following opacity standards:

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

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

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

4. (Reserved)

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

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

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

3. (Reserved)

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

(e) A diesel-powered motor vehicle, tested using the snap acceleration smoke opacity test, the rolling acceleration smoke opacity test or the stall smoke opacity test, set forth at N.J.A.C. 7:27B-4, and for which an alternative smoke opacity standard has been established in accordance with the procedures set forth at N.J.A.C. 7:27B-4.5, shall not emit smoke in the exhaust emissions which exceeds the smoke opacity standard established as the alternative smoke opacity standard for that vehicle.

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

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

Amended by R.1998 d.309, effective July 6, 1998 (operative July 21, 1998).

See: 30 N.J.R. 901(a), 30 N.J.R. 2476(b).

Inserted new (b)4 and (c)3.

Administrative change.

See: 33 N.J.R. 3550(a).

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

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

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

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

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

Authority

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

Subchapter Historical Note

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

Subchapter 15, Control and Prohibition of Air Pollution from Light-Duty Gasoline-Fueled Motor Vehicles, was adopted as R.1972 d.1, effective July 5, 1972. See: 3 N.J.R. 103(a), 4 N.J.R. 21(c). Subchapter 15 was amended by R.1974 d.169, effective July 1, 1974. See: 6 N.J.R. 173(a), 6 N.J.R. 305(b).

N.J.A.C. 7:27-15.1, Standards for specific exhaust gas analytical systems, was amended by emergency adoption R.1983 d.407, effective September 2, 1983 (to expire November 1, 1983). The provisions of R.1983 d.407 were readopted by R.1983 d.536, effective November 2, 1983. Pursuant to Executive Order No. 66(1978) and 42 U.S.C. § 7401 et seq., R.1983 d.536 is exempt from expiration. See: 15 N.J.R. 1607(a), 15 N.J.R. 1943(b).

7:27-15.1 Definitions

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

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

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

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

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

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

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

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

"Data link connector" or "DLC" means a standardized 16-pin diagnostic test receptacle used to connect an analyzer to a motor vehicle.

"Department" means the Department of Environmental Protection.

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

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

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

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

"EPA" means the United States Environmental Protection Agency.

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

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

"G/mi" means grams per mile.

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

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

ii. For a source not used to generate electricity, compliance with this subchapter for the 2003 control period by May 1, 2003 would create undue risk for the source or its associated industry to a degree that is comparable to the risk described in (b)6i above;

iii. It would not be possible for the source to comply with this subchapter by generating early reduction allowances or acquiring early reduction allowances from other sources;

iv. It would not be possible to comply with this subchapter by acquiring sufficient allowances from other persons who hold allowances; and

v. The owner or operator has made a written commitment to the Department to install advanced NO_x control systems or to repower, either of which is designed to achieve a 90 percent NO_x emission rate reduction.

7. The Department shall review all requests made pursuant to (b)6 above, and shall ensure the public an opportunity, through a public hearing process, to comment on the appropriateness of the allocating compliance supplement pool allowances to the requests interimly approved by the Department before allocating the allowances pursuant to (b)4 above.

New Rule, R.2000 d.351, effective August 21, 2000 (operative September 29, 2000).

See: 31 N.J.R. 2100(a), 32 N.J.R. 3119(a).

7:27-31.23 Replacement of the NO_x Budget Program

(a) N.J.A.C. 7:27-31.1 through 31.22 shall not apply to any source as of the control period beginning in 2009 and any control period thereafter.

(b) For a CAIR unit, as defined at N.J.A.C. 7:27-30.2, that has been determined to have held insufficient allowances in its NO_x Budget Program compliance account for the 2008 ozone season, the USEPA shall deduct the excess emissions from the unit's compliance account in the CAIR NO_x Ozone Season Trading Program pursuant 40 CFR Part 97 Subpart EEEE.

(c) A NO_x Budget unit that is not a CAIR unit and that has been determined to have held insufficient allowances in its NO_x Budget Program compliance account for the 2008 ozone season shall purchase three vintage 2009 CAIR NO_x ozone season allowances, as defined at N.J.A.C. 7:27-30.2, for each ton of excess emission and shall transfer the allowances to the USEPA to cover the deficiency.

New Rule, R.2007 d.223, effective July 16, 2007 (operative August 17, 2007).

See: 39 N.J.R. 300(a), 39 N.J.R. 2637(a).

APPENDIX

CHEMICALS DEFINING SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING

CAS #	Chemical
105-57-7	Acetal
75-07-0	Acetaldehyde
107-89-1	Acetaldol
60-35-5	Acetamide
103-84-4	Acetanilide
64-19-7	Acetic acid
108-24-7	Acetic anhydride
67-64-1	Acetone
75-86-5	Acetone cyanohydrin
75-05-8	Acetonitrile
96-86-2	Acetophenone
75-36-5	Acetyl chloride
74-86-2	Acetylene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
124-04-9	Adipic acid
111-69-3	Adiponitrile
††	Alkyl naphthalenes
107-18-6	Allyl alcohol
107-05-1	Allyl chloride
1321-11-5	Aminobenzoic acid
111-41-1	Aminoethylethanolamine
123-30-8	p-Aminophenol
628-63-7, 123-92-2	Amyl acetates
71-41-0,†	Amyl alcohols
110-58-7	Amyl amine
543-59-9	Amyl chloride
110-66-7,†	Amyl mercaptans
1322-06-1	Amyl phenol
62-53-3	Aniline
142-04-1	Aniline hydrochloride
29191-52-4	Anisidine
100-66-3	Anisole
118-92-3	Anthranilic acid
84-65-1	Anthraquinone
100-52-7	Benzaldehyde
55-21-0	Benzamide
71-43-2	Benzene
98-48-6	Benzenedisulfonic acid
98-11-3	Benzenesulfonic acid
134-81-6	Benzil
76-93-7	Benzilic acid
65-85-0	Benzoic acid
119-53-9	Benzoin
100-47-0	Benzonitrile
119-61-9	Benzophenone
98-07-7	Benzotrithloride
98-88-4	Benzoyl chloride
100-51-6	Benzyl alcohol

CAS #	Chemical	CAS #	Chemical
100-46-9	Benzylamine	108-80-5	Cyanuric acid
120-51-4	Benzyl benzoate	108-77-0	Cyanuric chloride
100-44-7	Benzyl chloride	110-82-7	Cyclohexane
98-87-3	Benzal chloride	108-93-0	Cyclohexanol
92-52-4	Biphenyl	108-04-1	Cyclohexanone
80-05-7	Bisphenol A	110-83-8	Cyclohexene
108-86-1	Bromobenzene	108-91-8	Cyclohexylamine
27497-51-4	Bromonaphthalene	111-78-4	Cyclooctadiene
106-99-0	Butadiene	112-30-1	Decanol
106-98-9	l-butene	123-42-2	Diacetone alcohol
123-86-4	n-butyl acetate	27576-04-1	Diaminobenzoic acid
141-32-2	n-butyl acrylate	†	Dichloroaniline
71-36-3	n-butyl alcohol	541-73-1	m-dichlorobenzene
78-92-2	s-butyl alcohol	95-50-1	o-dichlorobenzene
75-65-0	t-butyl alcohol	106-46-7	p-dichlorobenzene
109-73-9	n-butylamine	75-71-8	Dichlorofluoromethane
13952-84-6	s-butylamine	107-06-2	1,2-dichloroethane (EDC)
75-64-9	t-butylamine	111-44-4	Dichloroethyl ether
98-73-7	4-tert-butyl benzoic acid	96-23-1	Dichlorohydrin
107-88-0	1,3-butylene glycol	26952-23-8	Dichloropropene
123-72-8	n-butyraldehyde	101-83-7	Dicyclohexylamine
107-92-6	Butyric acid	109-89-7	Diethylamine
106-31-0	Butyric anhydride	111-46-6	Diethylene glycol
109-74-0	Butyronitrile	112-36-7	Diethylene glycol diethyl ether
105-60-2	Caprolactam	111-96-6	Diethylene glycol dimethyl ether
75-15-50	Carbon disulfide	112-34-5	Diethylene glycol monobutyl ether
558-13-4	Carbon tetrabromide	124-17-4	Diethylene glycol monobutyl ether acetate
56-23-5	Carbon tetrachloride	111-90-0	Diethylene glycol monoethyl ether
9004-35-7	Cellulose acetate	112-15-2	Diethylene glycol monoethyl ether acetate
79-11-8	Chloroacetic acid	111-77-3	Diethylene glycol monomethyl ether
108-42-9	m-chloroaniline	64-67-5	Diethyl sulfate
95-51-2	o-chloroaniline	75-37-6	Difluoroethane
106-47-8	p-chloroaniline	25167-70-8	Diisobutylene
35913-09-8	Chlorobenzaldehyde	26761-40-0	Diisodecyl phthalate
108-90-7	Chlorobenzene	27554-26-3	Diisooctyl phthalate
†	Chlorobenzoic acid	674-82-8	Diketene
†	Chlorobenzotrichloride	124-40-3	Dimethylamine
1321-03-5	Chlorobenzoyl chloride	121-69-7	N,N-dimethylaniline
25497-29-4	Chlorodifluoromethane	115-10-6	N,N-dimethyl ether
75-45-6	Chlorodifluoroethane	68-12-2	N,N-dimethylformamide
67-66-3	Chloroform	57-14-7	Dimethylhydrazine
25586-43-0	Chloronaphthalene	77-78-1	Dimethyl sulfate
88-73-3	o-chloronitrobenzene	75-18-3	Dimethyl sulfide
100-00-5	p-chloronitrobenzene	67-68-5	Dimethyl sulfoxide
25167-80-0	Chlorophenols	120-61-6	Dimethyl terephthalate
126-99-8	Chloroprene	99-34-3	3,5-dinitrobenzoic acid
7790-94-5	Chlorosulfonic acid	51-28-5	2,4-dinitrophenol
108-41-8	m-chlorotoluene	25321-14-6	Dinitrotoluene
95-49-8	o-chlorotoluene	123-91-1	Dioxane
106-43-4	p-chlorotoluene	646-06-0	Dioxolane
75-72-9	Chlorotrifluoromethane	122-39-4	Diphenylamine
108-39-4	m-cresol	101-84-8	Diphenyl oxide
95-48-7	o-cresol	102-08-9	Diphenyl thiourea
106-44-5	p-cresol	25265-71-8	Dipropylene glycol
1319-77-3	Mixed cresols	25378-22-7	Dodecene
1319-77-3	Cresylic acid	28675-17-4	Dodecylaniline
4170-30-0	Crotonaldehyde	27193-86-8	Dodocylphenol
3724-65-0	Crotonic acid	106-89-8	Epichlorohydrin
98-82-8	Cumene	64-17-5	Ethanol
80-15-9	Cumene hydroperoxide	†	Ethanolamines
372-09-8	Cyanoacetic acid	141-78-6	Ethyl acetate
506-77-4	Cyanogen chloride	141-97-9	Ethyl acetoacetate

CAS #	Chemical	CAS #	Chemical
140-88-5	Ethyl acrylate	2807-30-9	Ethylene glycol monopropyl ether
75-04-7	Ethylamine	75-21-8	Ethylene oxide
100-41-4	Ethylbenzene	60-29-7	Ethyl ether
74-96-4	Ethyl bromide	104-76-7	2-ethylhexanol
9004-57-3	Ethylcellulose	122-51-0	Ethyl orthoformate
75-00-3	Ethyl chloride	95-92-1	Ethyl oxalate
105-39-5	Ethyl chloroacetate	41892-71-1	Ethyl sodium oxalacetate
105-56-6	Ethylcyanoacetate	50-00-0	Formaldehyde
74-85-1	Ethylene	75-12-7	Formamide
96-49-1	Ethylene carbonate	64-18-6	Formic acid
107-07-3	Ethylene chlorohydrin	110-17-8	Fumaric acid
107-15-3	Ethylenediamine	98-01-1	Furfural
106-93-4	Ethylene dibromide	56-81-5	Glycerol
107-21-1	Ethylene glycol	26545-73-7	Glycerol dichlorohydrin
111-55-7	Ethylene glycol diacetate	25791-96-2	Glycerol triether
110-71-4	Ethylene glycol dimethyl ether	56-40-6	Glycine
111-76-2	Ethylene glycol monobutyl ether	107-22-2	Glyoxal
112-07-2	Ethylene glycol monobutyl ether acetate	118-74-1	Hexachlorobenzene
110-80-5	Ethylene glycol monoethyl ether	67-72-1	Hexachloroethane
111-15-9	Ethylene glycol monoethyl ether acetate	36653-82-4	Hexadecanol
109-86-4	Ethylene glycol monomethyl ether	124-09-4	Hexamethylenediamine
110-49-6	Ethylene glycol monomethyl ether acetate	629-11-8	Hexamethylene glycol
122-99-6	Ethylene glycol monophenyl ether	100-97-0	Hexamethylenetetramine