chloropentafluoroethane (CFC–115)

2,2–dichloro–1,1,1–trifluororethane (HCFC–123)

1,1,1,2–tetrafluoroethane (HFC–134a)

1,1–dichloro–1–fluoroethane (HCFC–141b)

1–chloro–1,1–difluoroethane (HCFC–142b)

2–chloro–1,1,1,2–tetrafluoroethane (HCFC–124)

pentafluoroethane (HFC–125)

1,1,2,2–tetrafluoroethane (HFC–134)

1,1,1–trifluoroethane (HFC–143a)

1,1–difluoroethane (HFC–152a)

parachlorobenzotrifluoride (PCBTF)

cyclic, branched, or linear completely methylated siloxanes

acetone

perchloroethylene (tetrachloroethylene)

3,3–dichloro–1,1,1,2,2–pentafluoropropane (HCFC–225ca)

1,3–dichloro–1,1,2,2,3–pentafluoropropane (HCFC–225cb)

1,1,1,2,3,4,4,5,5,5–decafluoropentane (HFC 43–10mee)

difluoromethane (HFC–32)

ethylfluoride (HFC–161)

1,1,1,3,3,3–hexafluoropropane (HFC–236fa)

1,1,2,2,3–pentafluoropropane (HFC–245ca)

1,1,2,3,3–pentafluoropropane (HFC–245ea)

1,1,1,2,3–pentafluoropropane (HFC–245eb)

1,1,1,3,3–pentafluoropropane (HFC–245fa)

1,1,1,2,3,3–hexafluoropropane (HFC–236ea)

1,1,1,3,3–pentafluorobutane (HFC–365mfc)

chlorofluoromethane (HCFC–31)

1–chloro–1–fluoroethane (HCFC–151a)

1,2–dichloro–1,1,2–trifluoroethane (HCFC–123a)

1,1,1,2,2,3,3,4,4–nonafluoro–4–methoxy-butane;($C_4F_9OCH_3$)

2–(difluoromethoxymethyl)–1,1,1,2,3,3,3–heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$)

1–ethoxy–1,1,2,2,3,3,4,4,4–nonafluorobutane ($C_4F_9OC_2H_5$)

2–(ethoxydifluoromethyl)–1,1,1,2,3,3,3–heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$)

methyl acetate

perfluorocarbon compounds which fall into these classes:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

If there is any conflict between the list at 40 CFR 51.100(s)(1) and the list set forth above, the list at 40 CFR 51.100(s)(1) shall control.

Amended by R.1985 d.96, effective March 4, 1985 (operative April 5, 1985).
See: 16 N.J.R. 167(a), 17 N.J.R. 587(a).
Substantially amended.
Amended by R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).
See: 22 N.J.R. 292(a), 22 N.J.R. 593(a), 23 N.J.R. 723(a).
Definitions added and technical revisions made.
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).
Amended "source operation" and "surface cleaner"; added "volatile organic compound VOC" and deleted "mathematical combination" and "volatile organic substance".
Amended by R.1993 d.129, effective March 15, 1993 (operative April 20, 1993).
See: 24 N.J.R. 3459(a), 25 N.J.R. 1231(b).
Added definitions for "carbon monoxide", "federally enforceable", "lead or Pb", "major facility", "oxides of nitrogen or NO_x", "Ozone or O_3", "$PM\text{-}_{10}$", "potential to emit", "significant net emission increase", "State implementation plan (SIP)", "sulfur dioxide or SO_2", and "total suspended particulate matter or TSP".
Amended by R.1993 d.428, effective September 7, 1993 (operative October 4, 1993).
See: 24 N.J.R. 4323(a), 25 N.J.R. 4075(b).
Amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(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).
Administrative Correction.
See: 27 N.J.R. 1406(a).
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.
Administrative change.
See: 31 N.J.R. 639(b).
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).
Inserted "Fuel cell system".
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 "Category I", added 5.
Amended by R.2000 d.204, effective May 15, 2000 (operative June 6, 2000).
See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).
Rewrote "Greenhouse gas" definition as "Greenhouse gas" or "GHG"; and in "Potential to emit", inserted a new fifth sentence, and rewrote the last sentence.

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).
Rewrote the section.
Amended by R.2004 d.129, effective April 5, 2004 (operative April 25, 2004).
See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).
Added "Former DER credit user"; in "Potential to emit", deleted the fifth sentence and rewrote the last sentence.

Case Notes

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

7:27–8.2 Applicability

(a) This subchapter applies to certain sources of air contaminant emissions. Some of the sources are pieces of equipment; others are source operations or processes. A source that is required to have a permit and certificate under this subchapter is called a "significant source." A source that is not required to have a permit and certificate under this subchapter is called an "insignificant source."

(b) A significant source located at a facility covered by an operating permit issued by the Department under N.J.A.C. 7:27–22 is not subject to this subchapter. However, the following requirements apply to sources at operating permit facilities:

1. Until an operating permit is issued for a source subject to operating permit requirements, the source remains subject to this subchapter, and any permits or certificates required by this subchapter must be obtained and maintained.

2. If a new source which is subject to operating permit requirements elects under N.J.A.C. 7:27–22.5(g) to obtain a preconstruction permit and certificate under this subchapter prior to obtaining an operating permit, the source shall comply with this subchapter and with any Federal preconstruction requirements that apply; and

3. In some cases, a portion of an operating permit facility (such as a research and development operation) is not subject to operating permit requirements. In such a case, the portion of the facility that is not subject to operating permit requirements would remain subject to this subchapter.

(c) Any equipment or source operation that may emit one or more air contaminants directly or indirectly into the outdoor air and belongs to one of the categories listed below, is a significant source (and therefore requires a preconstruction permit and an operating certificate), unless it is exempted from being a significant source pursuant to (d) or (e) below.

1. Commercial fuel burning equipment that has a maximum rated heat input of 1,000,000 BTU per hour or greater to the burning chamber;

2. Any source operation of equipment that has the potential to emit any Group 1 or Group 2 TXS (or a combination thereof) at a rate greater than 0.1 pounds per hour (45.4 grams per hour);

3. Dry cleaning equipment;

4. A surface cleaner which uses a cleaning solution containing five percent or more VOCs, HAPs, or VOC and HAP combined and which is:

i. An unheated open top surface cleaner with a top opening of greater than six square feet (0.56 square meters) or a capacity greater than 100 gallons;

ii. A heated open top surface cleaner;

iii. A conveyorized surface cleaner; or

iv. A stationary spray cleaning or surface stripping operation using one half gallon or more of cleaning solution in any one hour;

5. Equipment that is used in a graphic arts operation including, but not limited to, newspaper, lithographic, gravure, flexographic, letterpress and screen printing, in which the quantity of ink, fountain solution, or cleaning material used in any one hour is equal to or greater than one half gallon;

6. Any tank or vessel which has a capacity of more than 100 gallons and which is used:

i. In etching, pickling, or plating; or

ii. In chromium electroplating or chromium anodizing;

7. A transfer operation involving gasoline or other VOCs that is regulated under N.J.A.C. 7:27–16.3 or 16.4, or a marine tank vessel loading or ballasting operation that is regulated under N.J.A.C. 7:27–16.5, if the operation is required to have a control device other than bottom fill or submerged fill;

8. Stationary storage tanks which have a capacity in excess of 10,000 gallons and which are used for the storage of liquids, except water or distillates of air;

9. Stationary storage tanks which have a capacity of 2,000 gallons or greater and which are used for the storage of a VOC or mixture of VOCs having a vapor pressure or sum of partial pressures of 0.02 pounds per square inch absolute (1.0 millimeters of mercury) or greater at standard conditions;

10. Tanks, reservoirs, containers and bins which have a capacity in excess of 2,000 cubic feet and which are used for the storage of solid particles;

11. Stationary material handling equipment using pneumatic, bucket or belt conveying systems from which emissions occur;

12. Equipment that is used in a surface coating operation including, but not limited to, spray or dip painting, roller coating, and electrostatic depositing, in which the quantity of coating or cleaning material used in any one hour is equal to or greater than one half gallon of liquid;

13. Except where a registration has been filed pursuant to N.J.A.C. 7:27–20.3, any equipment that is used for the burning of non-commercial fuel, crude oil, or process by-products in any form, including, but not limited to, off-specification used oil, processed used oil fuel, or on specification used oil as defined in N.J.A.C. 7:27–20.1;

14. An incinerator;

15. Equipment which is used for treating groundwater, industrial waste water, or municipal wastewater with a solids content of less than two percent by weight as it enters the equipment (typical operations performed by this type of equipment include, but are not limited to, air stripping, aeration, digestion, thickening, flocculating, surface impounding, and dewatering), if the equipment does either of the following:

i. Treats or handles influent which has one or both of the following:

(1) A total concentration of VOCs and Group 2 TXS in the influent of 3,500 parts per billion by weight (ppbw) or more; or

(2) A total Group 1 TXS concentration in the influent of 100 ppbw or more; or

ii. Discharges more than 50 pounds per hour of sludge. For the purposes of this paragraph, wastewater with a solids content of two percent by weight or greater is considered sludge;

16. Equipment that is used for treating waste soils or sludges, including municipal solid wastes, industrial solid wastes, or recycled materials, if the influent to the equipment has a solids content of two percent by weight or greater. Typical operations performed by this type of equipment include, but are not limited to, soil cleaning, composting, pelletizing, grit classifying, drying, and transfer station operations. However an area used as a temporary storage area, such as a concrete pad or a roll-off container, shall not be considered to be equipment used for treating waste soils or sludges, provided that the area is not also used for treatment;

17. Equipment used for the purpose of venting a closed or operating dump, sanitary landfill, hazardous waste landfill, or other solid waste facility, directly or indirectly into the outdoor atmosphere including, but not limited to, any transfer station, recycling facility, or municipal solid waste composting facility;

18. Equipment that shreds wood, if the engine powering the equipment has a maximum rated gross heat input of 1,000,000 BTU per hour or greater;

19. Equipment in which the combined weight of all raw materials used exceeds 50 pounds in any one hour, provided:

i. Such equipment shall not include equipment which is the same type as is included within a category described in (c)1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 15 or 18 above; or in (c)20 below, but which is excluded from the category because it does not meet an applicability threshold set forth in the description of the category. That is, the equipment has a lower capacity, weight of materials processed, vapor pressure, or consumption of BTUs, or otherwise falls outside a parameter that is included in the description of the category;

ii. In determining the weight of the raw materials used, the weight of the following shall be excluded:

(1) Air;

(2) Water;

(3) Containers, provided that the container is not consumed as part of the operation of the equipment; and

(4) Paper, metal, or plastic that is twisted, bent, or folded, in the equipment, provided that the twisting, bending, or folding, does not cause visible emissions or air pollution; and

20. Welding equipment, if the weight of the welding rod or welding wire used in the process is greater than 12 pounds in any calendar day.

(d) Even if a source is listed in (c) above, any of the following is not a significant source (and therefore does not need a permit and certificate) if it is:

1. A storage tank maintained under a pressure greater than one atmosphere provided that any vent serving such storage tank has the sole function of relieving pressure under emergency conditions;

2. Storage tanks, reservoirs, containers, or bins used on any farm for the storage of agricultural commodities produced by or consumed in the farm's own operations. This exemption does not include storage tanks, reservoirs, containers or bins used by distributors of agricultural commodities or by research facilities which develop products for use in agricultural production;

3. A stationary storage tank, provided that (d)3i, ii and iii below are satisfied:

i. The tank is one of the following:

(1) A tank used solely to store a food-grade liquid that in its stored form is intended as food for direct human consumption. For the purposes of this subparagraph, food-grade liquids do not include liquids stored in a concentrated form; vitamins and drugs; or food additives, preservatives, or other ingredients

that in their stored or manufactured form are not intended for direct human consumption; or

(2) A tank used to store liquids, provided that:

(A) The operating temperature of the tank is not greater than 350 degrees Fahrenheit; and

(B) The vapor pressure of the liquid, excluding the vapor pressure of water, is less than 0.02 pounds per square inch absolute at the liquid's actual temperature or at 70 degrees Fahrenheit, whichever temperature is higher;

ii. The following criteria are met:

(1) The tank has no visible emissions, exclusive of water vapor, to the outdoor atmosphere;

(2) The tank does not emit any air contaminant, which may cause an odor detectable outside the property boundaries of the facility;

(3) The tank is not subject to any NESHAPS, MACT, or NSPS air pollution control standards, excluding the NSPS requirements to maintain a record of the tank's contents, the period of storage of these contents, and the maximum true vapor pressure of the liquid stored;

(4) The tank's potential to emit each TXS and each HAP does not exceed the de minimis reporting thresholds as specified in N.J.A.C. 7:27–8, Appendix 1, Table A for each TXS and Table B for each HAP; and

(5) The percentage by weight of all HAPs collectively in the raw material stored in the tank is less than 1.0 percent; and

iii. The owner or operator of the tank has readily available upon Department request a statement certified in accordance with N.J.A.C. 7:27–1.39, signed by the responsible official, as defined at N.J.A.C. 7:27–1.4, which:

(1) Specifies the contents of the tank;

(2) Affirms that the tank meets all of the criteria listed in (d)3i and ii above; and

(3) Attests that the tank is in compliance with all other applicable State or Federal air pollution requirements.

4. Aeration basins, lagoons and settling basins at publicly owned treatment works or domestic treatment works;

5. Equipment used in copying and duplication activities, including any microfiche copier, photocopier, xerography machine, or other photographic processing equipment by which an image is reproduced upon material sensitized by radiant energy;

6. Hand held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal or plastic. For the purposes of this subsection, "hand held" means "can reasonably be carried by one person";

7. Equipment at a battery charging station, except at a battery manufacturing plant;

8. A source used in any of the following, if the source supports one or more production processes of the facility, and does not itself constitute a facility production process or part thereof:

i. The activities of maintenance shops, such as welding, gluing, and soldering, performed indoors or outdoors;

ii. A laundry operation that services uniforms or other clothing used at the facility, not including:

(1) Any dry cleaning process; and

(2) Any dryer that is fuel burning equipment having a maximum rated heat input of 1,000,000 BTU per hour or greater;

iii. Architectural maintenance activities conducted to take care of the buildings and structures at a facility, including repainting, reroofing, and sandblasting; and

iv. Food preparation to service facility cafeterias and dining rooms;

9. An incinerator which serves a one or two family dwelling; or which serves a multi-occupied dwelling containing six or fewer family units, one of which is occupied by the owner of the dwelling;

10. A source which:

i. Was in operation prior to the date that sources of its kind were subject to permit requirements under this subchapter;

ii. Has not been reconstructed or modified since that date; and

iii. Is still operable;

11. A fuel cell system that uses hydrogen without a fuel processor, or a fuel cell system that uses a natural gas fuel processor and that has a power output no greater than 500 kilowatts;

12. Electric, plasma, or gaseous-fuel cutting equipment used to cut metal or metal products, provided the metal or metal product does not contain stainless steel, alloys of lead, alloys of arsenic, or alloys of beryllium; and

13. Equipment at a commercial or non-commercial greenhouse or nursery operation which is used to blend or mix potting soil (including, but not limited to, soil, compost, artificial media or soil-less media, and/or peat moss) that is used on site for plant propagation and that is not offered for sale or sold commercially.

(e) Equipment or a source operation, which would be classified as a significant source solely because it meets the criteria in (c)19 above, is not a significant source (and therefore does not need a permit and certificate), provided that (e)1, 2 and 3 below are satisfied:

1. The equipment or source operation is one of the following:

i. A mixer, cutter, molder, conveyer, blender, filler, or cooking kettle which processes material intended as food for direct human consupmtion, provided that the temperature of the food does not exceed 225 degrees Fahrenheit;

ii. Equipment that sands, drills, buffs, polishes, mills, carves, presses, or planes metal or metal products, except metal products containing stainless steel, alloys of lead, alloys of arsenic, or alloys of beryllium;

iii. Equipment that sands, drills, cuts, or planes untreated and unpainted wood or wood products;

iv. Equipment that cuts, trims, perforates, folds, or molds paper or paper products;

v. A vessel with a capacity of 1,000 gallons or greater in which the mixing or blending of liquids takes place in a non-reactive process, provided that:

(1) The operating temperature of the vessel is not greater then 350 degrees Fahrenheit; and

(2) The vapor pressure of the liquid, excluding the vapor pressure of water, is less than 0.02 pounds per square inch absolute at the liquid's actual temperature, or at 70 degrees Fahrenheit, whichever temperature is higher;

vi. A vessel with a capacity of less than 1,000 gallons in which the mixing or blending of liquids takes place in a non-reactive process, provided that the vapor pressure of the liquid, excluding the vapor pressure of water, is less than 1.5 pounds per square inch; or

vii. A vessel with a capacity of less than 1,000 gallons in which the mixing or blending of either solids and liquids or solids only takes place in a non-reactive process, provided that:

(1) The vapor pressure of any liquid, excluding the vapor pressure of water, is less than 1.5 pounds per square inch; and

(2) The vessel is equipped with a control apparatus designed to remove particulate emissions at a minimum efficiency of 99 percent or is located inside a room that is equipped with a control apparatus designed to remove particulate emissions at a minimum efficiency of 99 percent; and

2. The following criteria are met:

i. The source has no visible emissions, exclusive of water vapor, to the outdoor atmosphere;

ii. The source does not emit any air contaminant which may cause an odor detectable outside the property boundaries of the facility;

iii. The source meets one of the following criteria:

(1) The source is located in an enclosed work area equipped with heating and ventilation; emissions from the source are vented directly into the work area where the equipment is located and are free from the influence of any local exhaust ventilation system; and the work area meets an OSHA indoor air quality standard for occupancy even though the emissions are being released into the work area; or

(2) The source is a mixing or blending vessel which meets the criteria set forth in (e)1v through vii above and is vented directly to the outdoor atmosphere;

iv. The source is not subject to any NSPS, NESHAPS, or MACT air pollution control standard;

v. The source's potential to emit each TXS and each HAP does not exceed the de minimis reporting thresholds as specified in N.J.A.C. 7:27–8, Appendix 1, Table A for each TXS and Table B for each HAP; and

vi. The percentage by weight of all HAPs collectively in the raw material is less than 1.0 percent; and

3. The owner or operator of the source has readily available upon Department request a statement certified in accordance with N.J.A.C. 7:27–1.39, signed by the responsible official, as defined at N.J.A.C. 7:27–1.4, that:

i. Specifies the contents of the source, if the source is a mixing or blending vessel;

ii. Affirms that the source meets all the criteria listed in (e)2 above; and

iii. Attests that the source is in compliance with all other applicable State or Federal air pollution requirements.

(f) Control apparatus serving a significant source shall be included in the preconstruction permit and operating certificate for the significant source.

(g) Although an insignificant source does not require a permit, emissions information from an insignificant source may be required on an application under N.J.A.C. 7:27–8.4 if the insignificant source vents to a control device, stack or chimney which also serves a significant source.

(h) A permit and certificate are not required for equipment, control apparatus, or a source operation at a facility which is covered by a facility-wide permit issued by the Department pursuant to N.J.S.A 13:1D–35 et seq. However, the holder of the facility-wide permit must comply with N.J.A.C. 7:27–8.27, Special facility-wide permit provisions.

(i) This subchapter shall not preclude the owner or operator of a facility from voluntarily obtaining a preconstruction permit and operating certificate for a source not otherwise required to obtain a permit.

Amended by R.1985 d.96, effective March 4, 1985 (operative April 5, 1985).
See: 16 N.J.R. 1671(a), 17 N.J.R. 587(a).
Substantially amended.
Amended by R.1991 d.109, effective March 4, 1991 (operative March 31, 1991).
See: 22 N.J.R. 292(a), 22 N.J.R. 593(a), 23 N.J.R. 723(a).
Heading changed from "Permits and certificates required" to "Applicability".
Clarification of types of equipment and control apparatus reported in permit and certificate process.
Added (a)17(b)1 and 2.
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).
VOC parameters added at (a)9 and (a)15i.
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).
Administrative change in (a)15.
See: 26 N.J.R. 4184(a).
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.
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 (d), added 11.
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).
Rewrote (c)13.
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).
Rewrote (c) and (d); added new (e) and (f); recodified existing (e) through (g) as (g) through (i).

Case Notes

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

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

7:27–8.3 General provisions

(a) No person may construct, reconstruct, install, or modify a significant source or control apparatus serving the significant source without first obtaining a preconstruction permit under this subchapter.

(b) No person shall operate (nor cause to be operated) a significant source or control apparatus serving the significant source without a valid operating certificate.

(c) No permittee may take any action which requires a permit revision, compliance plan change, seven-day-notice change, amendment, or change to a batch plant permit, under any applicable provision at N.J.A.C. 7:27–8.17 through 8.23, without complying with that applicable provision.

(d) Any person holding a permit or certificate shall make said permit or certificate, together with any amendments, seven-day-notices, or other documents related to the permit and certificate, readily available for Department inspection on the operating premises.

(e) No person shall use or cause to be used any equipment or control apparatus unless all components connected or attached to, or serving the equipment or control apparatus, are functioning properly and are in use in accordance with the preconstruction permit and certificate and all conditions and provisions thereto.

(f) A preconstruction permit or certificate shall not be transferable either from the location authorized in the preconstruction permit or certificate in effect to another location, or from any one piece of control apparatus or equipment to another piece of control apparatus or equipment.

(g) Once a permit and certificate is issued, the permittee is fully responsible for compliance with this subchapter and with the permit and certificate, including adequate design, construction, and operation of the source, even if employees, contractors, or others work on or operate the permitted source. If the Department issues any other requirement with the force of law, such as an order, which applies to the source, the permittee is also responsible for compliance with that requirement.

(h) Preconstruction permits and certificates issued under this subchapter do not in any way relieve the applicant from the obligation to obtain necessary permits from other governmental agencies and to comply with all other applicable Federal, State, and local rules and regulations.

(i) A person conducting only normal repair or maintenance of control apparatus or equipment, as defined at N.J.A.C. 7:27–8.1, need not comply with (a), (b) or (c) above.

(j) No person holding any preconstruction permit or certificate shall suffer, allow, or permit any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in such quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property. This shall not include an air contaminant which occurs only in areas over which the owner or operator has exclusive use or occupancy. In determining whether an odor unreasonably interferes with the enjoyment of life or property, the Department shall consider all of the relevant facts and circumstances, including, but not limited to, the character, severity, frequency, and duration of the odor, and the number of persons affected thereby. In considering these and other relevant facts and circumstances, no one factor shall be dispositive, but each shall be considered relevant in determining whether an odor interferes with the enjoyment of life or property, and, if so, whether such interference is unreasonable considering all of the circumstances.

(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

[1]See (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

[2]See (j) above.

Table 7
Compliance plan change fees

Activity	Basis	Amount

Category I compliance plan change	Per application	$ 50.00
Category II compliance plan change	Per application	$250.00

Table 8
Seven-day-notice change fees

Activity	Basis	Amount
Category I seven-day-notice change	Per notice	$50.00
Category II seven-day-notice change	Per notice	$250.00

Table 9
Amendment fees

Activity	Basis	Amount
Change in identifying information under N.J.A.C. 7:27–8.21(b)1	Per Preconstruction Permit	$ 00.00
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 10
Certificate Renewal fees

Activity	Basis	Amount
Category I	Per Operating Certificate	$250.00
Category II	Per Operating Certificate	$500.00

B. SUPPLEMENTARY FEE SCHEDULE

Activity	Basis	Amount
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 (1 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 (1 mm Hg) at 20 degrees centigrade (68 degrees Fahrenheit);

iii. Batch vapor cleaning machines;

iv. In-line (conveyorized) vapor cleaning machines; or

11. A single or multiple boiler(s) and other indirect fired external combustion equipment with a maximum heat input capacity of greater than or equal to 10 million BTU per hour and less than 50 million BTU per hour, firing natural gas, propane, kerosene, diesel oil or no. 2 fuel oil exclusively, or firing natural gas or propane with limited back-up of kerosene, diesel oil, or no. 2 fuel oil.

(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), 1790(d).

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).
Public Notice: Revised State-of-the-Art (SOTA) Technical Manual for Boilers and Process Heaters.
See: 36 N.J.R. 1833(a).

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 preconstruction 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: