

ix. An estimate of the reduction in VOC emissions attainable through the use of each control technology and process alternative identified in (d)2iv and v above;

x. The VOC control technology or technologies or process alternatives which the owner or operator proposes to employ and an implementation schedule;

xi. For any construction, alteration or installation of any equipment or control apparatus that the owner or operator proposes in the plan, a complete application for each permit required. The permit may be a preconstruction permit and certificate under N.J.A.C. 7:27-8, an operating permit under N.J.A.C. 7:27-22, or a facility-wide permit as defined at N.J.A.C. 7:1K-1.5;

xii. A proposed VOC emission limit for the source operation or for the proposed process alternative; and

xiii. Proposed recordkeeping requirements sufficient to document the owner or operator's continued compliance with the plan;

3. Any other information the Department requests that is reasonably necessary to enable it to determine whether the application satisfies the requirements of (j) below; and

4. A certification signed by the owner or operator, satisfying the requirements of N.J.A.C. 7:27-1.39.

(e) An owner or operator submitting a demonstration pursuant to (b)1i or ii above shall include the following information in the demonstration:

1. A list of each source operation at the facility within the scope of (a)1 above;

2. The following information for each source operation listed pursuant to (e)1 above:

i. A brief description of the source operation, and its permit number and any other identifying numbers;

ii. The maximum rated capacity of the source operation;

iii. The source operation's potential to emit VOC;

iv. A description of the control apparatus that serves the source operation (for demonstrations pursuant to (b)1i above) or that the owner or operator states will serve the source operation (for demonstrations pursuant to (b)1ii above);

v. An analysis of how the control apparatus will collect at least 90 percent by weight of the VOC emissions from the source operation and prevent from being discharged into the outdoor atmosphere at least 90 percent by weight of the VOC collected;

vi. A description of any pollution prevention measures that the owner or operator has implemented (for demonstrations pursuant to (b)1i above) or will implement (for demonstrations pursuant to (b)1ii above), and

analysis of how such measures will control VOC emissions to the extent required under (b)1i and ii above;

vii. A proposed VOC emission limit for the source operation or for the proposed process alternative; and

viii. Proposed recordkeeping requirements sufficient to document the owner or operator's continued compliance with the plan;

3. A complete application for each new permit required and for each change to an existing permit for any equipment or control apparatus to be constructed, altered or installed in connection with the demonstration;

4. Any other information which the Department may request which is reasonably necessary to enable it to determine whether the application satisfies the requirements of (1) below; and

5. A certification signed by the owner or operator, satisfying the requirements of N.J.A.C. 7:27-1.39.

(f) Notwithstanding the provisions of (b) above, the owner or operator of a facility that had actual annual emissions of VOC in 1990 and each year thereafter of less than 25 tons, may comply with the requirements of this section by obtaining the Department's approval of a compliance plan and implementing such a plan. To comply in this manner, the owner or operator shall submit a proposed compliance plan pursuant to (f)1 below, obtain the Department's approval of the plan pursuant to (k) below, and implement the plan pursuant to (f)2 below.

1. The owner or operator shall submit to the Department a proposed compliance plan that includes the following information, and is certified by the owner or operator pursuant to N.J.A.C. 7:27-1.39;

i. Documentation establishing that the actual annual emissions of VOC from the facility in 1990 and each year thereafter were less than 25 tons. If the facility did not commence operations until after 1990, the documentation shall address each year beginning with the year that operations commenced. The documentation shall include records maintained at the facility and any report of actual emissions, including any emission statement, submitted for the facility to the Department for the relevant years;

ii. A statement of the owner or operator's intent to reduce the facility's potential to emit VOC to less than 25 tons per year;

iii. A description of how the reduction of the facility's potential to emit is to be achieved;

iv. Complete applications for amendments to any existing permit or for any new permit *required to* achieve the reduction of the facility's potential to emit VOC to less than 25 tons per year; and

v. Proposed recordkeeping requirements sufficient to document the owner or operator's continued compliance with the plan.

2. By May 31, 1995, the owner or operator of the facility shall reduce the facility's potential to emit VOC to less than 25 tons per year and achieve compliance with all new or amended permits.

(g) Within 30 days after receiving a demonstration submitted pursuant to (b)1 above, a proposed facility-specific VOC control plan submitted pursuant to (b)2 above, or a proposed compliance plan submitted pursuant to (f) above, the Department shall notify the owner or operator in writing whether the submission includes sufficient information to commence review. If the submission does not contain sufficient information to complete the review, the Department shall include in the notice a list of the deficiencies, a statement of the additional information required to make the submission complete, and a time by which the owner or operator must make a complete submission. The Department may refrain from reviewing the substance of the submission until the additional information is provided to the Department.

(h) Failure by an owner or operator to submit the additional information requested by the Department pursuant to (g) above within the time stated in the Department's notification shall constitute a violation of this subchapter. In such case, the Department may deny the submission and pursue its other remedies.

(i) The Department shall seek comments from the general public before making any final decision to approve or disapprove a proposed alternative or facility-specific VOC control plan. The Department shall publish a Notice of Opportunity for Public Comment in a newspaper for general circulation in the area in which the major VOC facility is located. In addition, the Department shall submit any approved alternative or facility-specific VOC control plan to EPA for approval as a revision to New Jersey's State Implementation Plan.

(j) Within six months after receiving a complete proposed alternative or facility-specific VOC control plan, the Department shall approve, approve and modify, or disapprove the proposed plan and notify the owner or operator of the decision in writing. The Department shall approve the proposed plan only if it satisfies the following requirements:

1. The proposed plan contains all of the information required under (d) above;

2. The proposed plan considers all control technologies available for the control of VOC emissions from the type of equipment or source operation in question;

3. For any control technologies described in (j)2 above which the owner or operator does not propose to use on the equipment or source operation, the proposed plan demonstrates that the control technology:

i. Would be less effective in controlling VOC emissions from the equipment or source operation than the proposed measures;

ii. Is unsuitable for use with the source operation, or duplicative of control technology or pollution prevention measure which the plan proposes to use;

iii. Would carry costs disproportionate to the improvement in the reduction of the VOC emissions rate which the control technology is likely to achieve, or disproportionately large in comparison to the total reduction in VOC emissions which the control technology is likely to achieve over its useful life; or

iv. Would carry costs disproportionate to the costs incurred for the control of VOC emissions from the same type of source operations used by all other persons in the owner or operator's industry;

4. The emission limit proposed for each source operation is the lowest rate which can practicably be achieved at a cost within the limits described in (j)3iii and iv above;

5. The cost of achieving an additional emission reduction beyond each proposed limit would be disproportionate to the size and environmental impact of that additional emission reduction; and

6. For any pollution prevention or other emission reduction measures proposed by the owner or operator, the proposed plan demonstrates that the measures:

i. Result in actual reductions in VOC emissions;

ii. Result in VOC emission reductions which are quantifiable; and

iii. Result in VOC emission reductions which are Federally enforceable.

(k) Within six months after receiving a complete compliance plan submitted pursuant to (f) above, the Department shall approve, approve and modify, or disapprove the proposed compliance plan and notify the owner or operator of the decision in writing. The Department shall approve the proposed compliance plan only if it satisfies the following conditions:

1. The compliance plan contains all of the information required under (f) above;

2. The compliance plan demonstrates to the Department's satisfaction that actual emissions of VOC, including fugitive VOC emissions, in 1990 (or the first year of the facility's operations, if operations commenced after 1990) and each year thereafter are less than 25 tons;

3. The proposed recordkeeping requirements are sufficient to enable the Department to verify that the owner or operator is complying with the plan; and

New Rule, R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).

Sec: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).
Section was "Reserved".

7:27-19.13 Alternative and facility-specific NO_x emission limits

(a) This section establishes procedures and standards for the establishment of alternative maximum allowable NO_x emission rates, maximum allowable NO_x emission concentrations, or other NO_x regulatory parameters, and facility-specific maximum allowable NO_x emission rates, maximum allowable NO_x emission concentrations, or other NO_x regulatory parameters in the following circumstances:

1. If the owner or operator of a major NO_x facility seeks approval of a maximum allowable emission rate, maximum allowable emission concentration, or other regulatory parameter for any source operation or item of equipment of a category not listed in N.J.A.C. 7:27-19.2(b) or (c) that has the potential to emit more than 10 tons of NO_x per year, except as provided in (p) below. Such a rate, concentration, or other limit approved by the Department pursuant to N.J.A.C. 7:27-19.13 shall be called a facility-specific NO_x emission limit (FSEL). The owner or operator shall obtain this FSEL by submitting a proposed facility-specific NO_x control plan pursuant to (b) below;

2. If the owner or operator of a source operation or item of equipment listed in N.J.A.C. 7:27-19.2(b) or (c) seeks approval of an alternative maximum allowable emission rate, alternative maximum allowable emission concentration, or other alternative regulatory parameter, which would apply to the equipment or source operation in lieu of the maximum allowable emission rate, maximum allowable emission concentration, or other regulatory parameter, respectively, that would otherwise apply under this subchapter. The owner or operator shall obtain this alternative rate, alternative concentration or other alternative limit by submitting a request for an alternative emission limit (AEL) pursuant to (b) below; or

3. If the owner or operator of a source operation or item of equipment was issued a facility-specific or an alternative emissions limit for that source operation or item of equipment prior to May 1, 2005, and if the owner or operator would like to continue to operate under this limit, the owner or operator shall submit a proposed facility-specific NO_x control plan or a request for an alternative emission limit, as applicable, pursuant to (b) below.

(b) The owner or operator of a facility described in (a) above shall obtain the Department's written approval of a facility-specific NO_x control plan or an alternative emission limit as follows:

1. Any facility-specific NO_x control plan, including the facility-specific emission limit, approved by the Department after May 19, 2009 shall not have an expiration date, except in accordance with (b)6 and (j) below;

2. Any alternative emission limit approved by the Department after May 19, 2009 shall have a term of 10 years, unless the source operation or item of equipment with the alternative emission limit is modified, altered or reconstructed during the term of the plan. If the source operation or item is modified, altered or reconstructed, (b)6 or (k) below, as applicable shall also apply;

3. Any owner or operator in (a)1 shall submit to the Department in writing a proposed facility-specific NO_x control plan for the facility. In the proposed facility-specific NO_x control plan, the owner or operator shall include:

i. A list of each source operation or item of equipment at the facility that has the potential to emit more than 10 tons of NO_x per year and is not listed in N.J.A.C. 7:27-19.2(b) or (c). In the list, the owner or operator shall briefly describe the source operation or item of equipment, and list its permit number and any other identifying numbers; and

ii. The information listed in (d) below.

4. Any owner or operator of a facility described in (a)2 above shall submit to the Department a written request for an alternative emission limit for each applicable source operation or item of equipment. In the request, the owner or operator shall include the information listed in (c) below;

5. Any owner or operator of a facility described in (a)3 above shall submit to the Department a written request for an alternative emission limit or a proposed facility-specific NO_x control plan by August 17, 2009. The owner or operator may request a 90-day extension pursuant to N.J.A.C. 7:27-19.3(e) to submit the request or proposed plan;

i. In the proposed facility-specific NO_x control plan, the owner or operator shall include the information listed at (b)3i and ii above. In a request for an alternative emission limit, the owner or operator shall include the information listed at (c) below;

ii. If the owner or operator submits a request or proposed plan by August 17, 2009 or by the date of any extension approved by the Department, the owner or operator's existing alternative emission limit or facility-specific emission limit, as applicable, shall terminate on the date stated in the implementation schedule of the request or proposed plan that the Department approves; and

iii. If the owner or operator does not submit a request or proposed plan or extension request by August 17, 2009, the owner or operator's existing alternative emission limit emission rate or facility-specific emission limit shall terminate on August 17, 2009;

6. If the owner or operator of a facility has an approved alternative emission limit or an approved facility-specific

emission limit for a source operation or item of equipment, and intends to modify, alter or reconstruct that source operation or item of equipment, such that the alternative or facility-specific emission limit would change, the existing alternative or facility-specific emission limit shall terminate on the start-up date of the modified, altered or reconstructed source operation or item of equipment. If the owner or operator plans to continue operating under an alternative or facility-specific emission limit, the owner or operator shall, pursuant to this section, apply for and obtain approval of a new alternative emission limit or facility-specific NO_x control plan prior to operation of the modified, altered or reconstructed source operation or item of equipment; and

7. If the owner or operator of a facility that has an approved 10-year term alternative emission limit plans to continue operating under an alternative emission limit beyond the existing limit's expiration date, the owner or operator shall submit a request for a new alternative emission limit at least one year prior to the termination date of the existing alternative emission limit. The existing alternative emission limit shall terminate on its termination date or on the date of the Department's final action on the proposed new alternative emission limit, whichever is later.

(c) The owner or operator of a source operation or item of equipment listed in N.J.A.C. 7:27-19.2(b) may request approval of an alternative emission limit in accordance with this section. In the request, the owner or operator shall include:

1. A brief description of the equipment or source operation which is the subject of the request, and its permit number and any other identifying numbers;

2. A demonstration that the source operation or item of equipment is not reasonably able to comply with this subchapter through any alternative means of compliance established under this subchapter (for example, through seasonal combustion of natural gas pursuant to N.J.A.C. 7:27-19.4(b), or through compliance with an averaging plan under N.J.A.C. 7:27-19.6); and

3. The information listed in (d) below.

(d) In addition to the information required under (b) or (c) above, as applicable, the owner or operator shall include the following information in a proposed facility-specific NO_x control plan or request for an alternative emission limit:

1. For each source operation or item of equipment listed in (b)3i above or (c)1 above, as applicable, a list of all NO_x control technologies available for use with the equipment or source operation;

2. An analysis of the technological feasibility of installing and operating each control technology identified in (d)1 above;

3. For each control technology which is technologically feasible to install and operate, an estimate of the cost of installation and operation;

4. An estimate of the remaining useful life of each source operation or item of equipment listed in (b)3i above or (c)1 above, as applicable;

5. An estimate of the reduction in NO_x emissions attainable through the use of each control technology which is technologically feasible to install and operate;

6. For each source operation or item of equipment listed in (b)3i above or (c)1 above, as applicable, the NO_x control technology or technologies which the owner or operator proposes to employ and an implementation schedule;

7. For each source operation or item of equipment listed in (b)3i above or (c)1 above, as applicable, a proposed NO_x emission limit;

8. Any other information which the Department requests which is reasonably necessary to enable it to determine whether the application satisfies the requirements of (g) below; and

9. A certification signed by the owner or operator, satisfying the requirements of N.J.A.C. 7:27-1.39.

(e) Within 30 days after receiving a proposed NO_x control plan or request for an alternative emission limit, the Department shall notify the owner or operator in writing whether the submission includes all of the information required under (d) above and under (b) or (c) above, as applicable. If the proposed NO_x control plan or request for an alternative emission limit is incomplete, the following shall apply:

1. The Department shall include in the notice a list of the deficiencies, a statement of the additional information required to make the proposed plan or request complete, and a time by which the owner or operator must submit a complete proposed plan or request;

2. The Department may refrain from reviewing the substance of the proposed plan or request (or any part thereof) until it is complete;

3. The owner or operator shall submit a complete proposed plan or request within the time stated in the Department's notification;

4. If the owner or operator fails to submit a complete proposed plan within the time stated in the Department's notification, the failure is a violation of this subchapter; and

5. If the owner or operator fails to submit a complete request for an alternative emission limit within the time stated in the Department's notification, the Department may deny the request.

7:27-19.27 (Reserved)

New Rule, 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).
 Repealed by R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).
 See: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).
 Section was "Use of NO_x budget allowances by a former DER credit user".

7:27-19.28 Sewage sludge incinerators

(a) The owner or operator of a sewage sludge incinerator shall cause it to emit NO_x at a rate no greater than the applicable maximum allowable NO_x emission rate specified in Table 13 below, unless the owner or operator is complying with N.J.A.C. 7:27-19.3(f).

TABLE 13
 Maximum Allowable NO_x Emission Rates for Sewage Sludge Incinerators
 (pounds of NO_x per ton of dry sewage sludge)

Multiple Hearth	7.0
Fluidized Bed	2.5

(b) In lieu of complying with the maximum allowable NO_x emissions rate at (a) above, the owner or operator of a sewage sludge incinerator may comply with N.J.A.C. 7:27-19.3(f), or obtain an alternative maximum allowable NO_x emission rate approved by the Department pursuant to N.J.A.C. 7:27-19.13.

(c) The owner or operator shall demonstrate compliance with (a) or (b) above in accordance with N.J.A.C. 7:27-19.15(a)2.

New Rule, R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).
 See: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).

7:27-19.29 2009 HEDD Emission Reduction Compliance Demonstration Protocol

(a) This section shall apply to any owner or operator of a HEDD unit, or their successors or assigns, that operated on July 26, 2005, and that meets the following:

1. If a HEDD unit is a combustion turbine and was not controlled by water injection or SCR, or is a boiler and was not controlled by SCR or SNCR; and
2. The NO_x emission rate of a HEDD unit was 0.15 pounds per MMBTU or greater. To determine the emissions rate of the HEDD unit, the owner or operator shall obtain the emission rate, in lb/MMBtu, for the HEDD unit for July 26, 2005 from the USEPA Clean Air Markets Division (CAMD) NO_x emission data, which as of March 20, 2009 can be found at <http://camdataandmaps.epa.gov/gdm/>.

- (b) Each owner or operator identified in (a) above shall:
1. Prepare a 2009 HEDD Emission Reduction Compliance Demonstration Protocol, hereafter referred to as the

2009 Protocol, in accordance with (d) below. Each emission reduction measure that is used to obtain emission reductions shall be included in the 2009 Protocol;

2. Submit to the Department, at the address at (b)5 below, by June 18, 2009, a 2009 Protocol;
3. Obtain the NO_x emission reductions determined by Equation 1 at (c) below, using one or more measures that meet the requirements at (d) below and that are listed in the 2009 Protocol, on each high electric demand day starting on May 19, 2009 through September 30, 2014, unless the Department has approved, pursuant to N.J.A.C. 7:27-19.22, a phased compliance plan with an initial compliance date that is after May 19, 2009;
4. Demonstrate that all NO_x emission reductions required by (b)3 above were obtained. The owner or operator shall include this demonstration in the annual report at (k) below. Conduct any demonstration using:
 - i. Calculations that demonstrate that the owner or operator achieved all emission reductions required at (b)3 above; or
 - ii. The Department-approved method of demonstrating in the 2009 Protocol that implementation of the 2009 Protocol on each high electric demand day that occurred starting January 1, 2005 through December 31, 2007 would have resulted in at least as many tons of NO_x emission reductions as would have been required by Equation 1 below. The owner or operator shall demonstrate that the owner or operator implemented the 2009 Protocol, or a modified protocol approved by the Department pursuant to (h) below, on each high electric demand day during the calendar year of the applicable annual report; and
5. Submit to the Department, at the address below, an annual report, pursuant to (k) below.

Assistant Director, Air Quality Permitting
 Element
 Division of Air Quality
 New Jersey Department of Environmental
 Protection
 401 East State Street
 PO Box 027
 Trenton, NJ 08625-0027

(c) The owner or operator shall obtain the NO_x emission reductions determined by Equation 1 on each high electric demand day pursuant to (b)3 above. Equation 1 is:

$$ER = (BE \div EF) \times RF$$

Where:

ER, BE, EF and RF are in units of tons of NO_x per high electric demand day (t/HEDD);

ER (Emission Reduction) = The total tons of NO_x reductions that is required from an owner or operator on each high electric demand day;

BE (Baseline Emission) = The total tons of NO_x that would be emitted on each high electric demand day, if the owner or operator did not implement any emission reduction measures. This calculation is based on total actual operation of HEDD units and total actual operation of new electric generating units installed to replace one or more HEDD units for that high electric demand day;

EF (Emission Factor) = The total tons of NO_x that were emitted by all of the owner or operator's HEDD units on July 26, 2005. In order to calculate EF, the owner or operator shall obtain the NO_x emitted, in tons, for each HEDD unit operated on July 26, 2005, from the EPA Clean Air Markets Division (CAMD) NO_x emission data, which as of March 20, 2009 can be found at <http://camddataandmaps.epa.gov/gdm/>; and

RF (Reduction Factor) = The HEDD NO_x emission reduction factor for each owner or operator shall be the sum of all Unit Reduction Factors (URF). A URF shall be calculated, in tons, for each HEDD unit that operated on July 26, 2005, using the following equation:

$$\text{URF} = (\text{UE} \times \text{C})$$

Where:

URF (Unit Reduction Factor) = The reduction of NO_x emissions, in tons, emitted by a HEDD unit on July 26, 2005 that would have occurred if the unit had been controlled;

UE (Unit Emissions) = The tons of NO_x emissions emitted by a HEDD unit on July 26, 2005 obtained from the EPA Clean Air Markets Division (CAMD) NO_x emission data, which as of March 20, 2009 can be found at <http://camddataandmaps.epa.gov/gdm/>; and

C (Control Factor) = If the HEDD unit is a combustion turbine that was not controlled with water injection or Selective Catalytic Reduction (SCR) on July 26, 2005, and the NO_x emission rate of that unit was 0.15 lb/MMBtu or greater on July 26, 2005, then C is equal to 0.4. If the HEDD unit is a boiler that was not controlled with SCR or Selective Non-Catalytic Reduction (SNCR) controls on July 26, 2005, and the NO_x emission rate of that unit was 0.15 lb/MMBtu or greater on July 26, 2005, then C is equal to 0.3. If the HEDD unit is a combustion turbine that was controlled with water injection or SCR on July 26, 2005, or is a boiler that was controlled with SCR or SNCR on July 26, 2005, or had a NO_x emission rate of less than 0.15 lb/MMBtu on July 26, 2005, then C is equal to 0.

(d) The 2009 Protocol shall include the following:

1. The calculations performed in (c) above for EF and RF;

2. A list of measures used to obtain the required emission reductions determined by Equation 1. The measures must result in emission reductions that are real, quantifiable, enforceable, surplus, and are not required to

comply with any State or Federal permit, regulation, enforceable agreement, or high electric demand day emission reduction program. Any of the following measures may be considered to achieve the required emission reductions:

i. Installation of a control apparatus on an existing HEDD unit that is located in New Jersey, Pennsylvania, Delaware, or Maryland;

ii. Reduction in the usage of any HEDD unit that is located in New Jersey, Pennsylvania, Delaware, or Maryland;

iii. Installation of a control apparatus on an existing non-HEDD unit that is located in New Jersey, Pennsylvania, Delaware, or Maryland;

iv. Commitment to combust natural gas in any HEDD unit that is permitted to combust either natural gas or fuel oil during high electric demand days when it would be economically preferred to combust fuel oil;

v. Implementation of an energy efficiency measure in New Jersey, as long as the energy efficiency measure was not committed to prior to May 19, 2009;

vi. Implementation of a demand response measure in New Jersey such as:

(1) A measure that shifts load, as long as the demand response measure was not committed to prior to May 19, 2009; or

(2) A measure that sheds load to clean distributed generation units, as long as the demand response measure was not committed to prior to May 19, 2009;

vii. Implementation of a renewable energy measure in New Jersey, as long as the renewable energy measure was not committed to prior to May 19, 2009; and

viii. Any other measure, approved by the Department, that provides NO_x emission reductions and ozone air quality benefits to New Jersey.

3. The 2009 Protocol shall include, at a minimum, the following for each measure:

i. A complete description of the measure;

ii. A quantification of the emission reductions from the measure and how the quantification was determined;

iii. The reasons why this measure is not necessary under any current State or Federal permit, regulation, enforcement agreement, or high electric demand day emission reduction program;

iv. The methods to be used to calculate and verify emission reductions;

v. Monitoring requirements to ensure that the emission reductions determined by Equation 1 are achieved. This shall include, but not be limited to, the

following, as applicable, for each electric generating unit:

- (1) Fuel flow/firing rate instrument to monitor fuel consumption;
- (2) CEMs monitoring of NO_x emissions or monitoring of any parameter that can be used to calculate the NO_x emissions; and
- (3) Stack testing; and

vi. A list of records to be maintained pursuant to the requirements of N.J.A.C. 7:27-19.19. The records maintained should be sufficient to document that the emission reductions determined by Equation 1 are achieved. This shall include, but not be limited to the records, as applicable, listed in (e) below, for each high electric demand day.

(e) The list of records to be maintained pursuant to (d)3vi above are the following:

1. The date of each high electric demand day;
2. The actions taken to reduce emissions;
3. The start and end time for operation of each EGU operated during that high electric demand day;
4. The total hours of operation for each EGU in (e)3 above;
5. The type of fuel combusted by each EGU in (e)3 above;
6. The hourly fuel use for each EGU in (e)3 above;
7. The hourly load in MW for each EGU in (e)3 above;
8. The hourly heat input in MMBtu/hr to each EGU in (e)3 above;
9. The hourly water injection rate for each EGU in (e)3 above;
10. The hourly ammonia injection rate for each EGU in (e)3 above;
11. The catalytic bed temperature for each EGU in (e)3 above;
12. The CEM values or documentation on how the baseline and actual NO_x emission rates were calculated for each EGU in (e)3 above;
13. Any other data needed to calculate baseline and actual NO_x emissions for each EGU in (e)3 above;
14. Calculations and results for the following:
 - i. Baseline NO_x emissions (BE in Equation 1, at (c) above);
 - ii. Actual NO_x emissions after 2009 Protocol control measures, calculated pursuant to the approved 2009 Protocol;

iii. Required NO_x emission reduction (ER in Equation 1, at (c) above); and

iv. Actual NO_x emission reduction (BE – actual emissions resulting from 2009 Protocol measures);

15. The fuel prices for that high electric demand day; and

16. Any other records necessary to document the emission reductions achieved.

(f) Within 30 calendar days after receiving a proposed 2009 Protocol, the Department will notify the owner or operator in writing whether the proposed 2009 Protocol includes all of the information required under (d) above. If the proposed 2009 Protocol is incomplete:

1. The Department will include in the notice a list of the deficiencies, a statement of the additional information required to make the proposed 2009 Protocol complete, and a time by which the owner or operator must submit a complete proposed 2009 Protocol;

2. The owner or operator shall correct the deficiencies listed in the Department's notice within the time stated in the Department's notice; and

3. The Department may disapprove the proposed 2009 Protocol if the owner or operator fails to correct the deficiencies within the time stated in the Department's notice.

(g) The Department may approve, revise and approve, or disapprove the proposed 2009 Protocol based on whether or not the proposed 2009 Protocol contains the contents required by (d) above. Except for (g)3 below, until the Department approves a proposed 2009 Protocol, implementation of the proposed 2009 Protocol constitutes compliance with (b)3 above. The Department will notify the owner or operator of the Department's action in writing as follows:

1. If the Department approves the proposed 2009 Protocol, the Department will notify the owner or operator in writing of the Department's approval;

2. If the Department revises the proposed 2009 Protocol and approves the revised proposed 2009 Protocol, the Department will notify the owner or operator in writing of the Department's revision and approval. In this notification the Department will list all revisions the Department made to the proposed 2009 Protocol, and include a compliance schedule if time is necessary to implement the revisions; or

3. If the Department disapproves the proposed 2009 Protocol, the Department will notify the owner or operator in writing of the Department's disapproval. In this notification the Department will include a list of the reasons for disapproval and a list of changes or additional information needed to make the proposed 2009 Protocol compliant with (d) above and approvable. If the owner or operator does not submit a revised proposed 2009 Protocol,

with all information required by the Department's notification, to the Department at the address at (b)5 above within 60 days of receiving the Department's notification, then one of the following shall apply:

- i. If the owner or operator fails to submit a revised proposed 2009 Protocol by the deadline, implementation of the proposed 2009 Protocol shall no longer constitute compliance with (b)3 above after the deadline; or
- ii. If the owner or operator submits a revised proposed 2009 Protocol that does not include all information required by the Department's notification, implementation of the proposed 2009 Protocol shall no longer constitute compliance with (b)3 above after the Department notifies the owner or operator that the revised proposed 2009 Protocol is still not approvable.

(h) The owner or operator may revise the 2009 Protocol at any time as follows:

1. The owner or operator shall submit to the Department, at the address at (b)5 above, a proposed revised 2009 Protocol. The proposed revised 2009 Protocol shall include all the information required by (d) above;
2. The Department will notify the owner or operator of any deficiencies pursuant to (f) above; and
3. The Department will approve, revise and approve, or disapprove the proposed revised 2009 Protocol based on whether or not the proposed 2009 Protocol contains the contents required by (d) above. The Department will notify the owner or operator of the action in writing.

(i) If the owner or operator of an electric generating unit that is included in an approved 2009 Protocol changes between May 19, 2009 and September 30, 2014, the old owner or operator shall submit a revised 2009 Protocol to the Department, at the address in (b)5 above, within 30 calendar days of the change taking place, for approval in accordance with (h) above. The revised 2009 Protocol shall demonstrate that all required emission reductions will continue to be obtained, and shall clearly define how the required emission reductions will be obtained henceforth and which owner or operator shall be responsible for achieving the required emission reductions. Any shared responsibility for the emission reductions shall be clearly defined in the revised 2009 Protocol.

(j) An owner or operator may implement any emission reduction measure that meets the requirements at (d) above if the owner or operator has obtained all necessary permit modifications pursuant to N.J.A.C. 7:27-8 and 22, submits a revised 2009 Protocol to the Department at the address at (b)5 above within 30 days of implementing the measure, and maintains compliance with all other applicable provisions of N.J.A.C. 7:27.

(k) Each owner or operator identified in (a) above shall submit an annual report for calendar years 2009 through

2014. Each annual report shall be submitted to the Department to the address at (b)5 above, by January 30th of the following year. (For example, the annual report for 2009 is due on January 30, 2010.) At a minimum, the annual report shall include the following information, as applicable, for each measure and each high electric demand day:

1. The actions taken to reduce emissions;
2. The baseline and actual emissions in total tons;
3. For measures not associated with an EGU unit, the annual report shall include any documentation required by the approved 2009 Protocol; and
4. For measures associated with an EGU unit, the annual report shall include:
 - i. The total hours of operation for each EGU;
 - ii. The type of fuel combusted;
 - iii. The hourly fuel use;
 - iv. The hourly load in MW;
 - v. The hourly heat input in MMBtu/hr;
 - vi. The hourly water injection rate;
 - vii. The hourly ammonia injection rate;
 - viii. The catalytic bed temperature;
 - ix. The CEM values or documentation on how the baseline and actual NO_x emission rates were calculated;
 - x. Any other data used to calculate baseline and actual NO_x emissions;
 - xi. The calculations and results for:
 - (1) Baseline NO_x emissions (BE in Equation 1, at (c) above);
 - (2) Actual NO_x emissions after emission reduction measures;
 - (3) Required NO_x emission reduction (ER in Equation 1, at (c) above); and
 - (4) Actual NO_x emission reduction (BE – actual emissions after emission reduction measures);
 - xii. Fuel prices; and
 - xiii. Any other documentation required by the Department in the approved 2009 Protocol.

New Rule, R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).
See: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).

7:27-19.30 2015 HEDD Emission Limit Achievement Plan

(a) Each owner or operator of an HEDD unit shall submit to the Department at the address below, by May 1, 2010, a