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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 7:27-1.1 Scope

Unless otherwise provided by rule or statute, the following shall constitute the rules of the Bureau of Air Pollution Control and shall govern the emitting of and such activities as

result in the introducing of contaminants into the ambient atmosphere.

##### 7:27-1.2 Construction

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

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

##### 7:27-1.3 Practice where rules do not govern

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

##### 7:27-1.4 Definitions

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

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

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

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

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

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

“CFR” means the Code of Federal Regulations.

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

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

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

(e) Any person responsible for the emission of VOC shall, upon request of the Department, provide sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of the VOC being emitted into the outdoor atmosphere. During such testing by the Department, the equipment and all components connected, or attached to, or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

(f) All testing and monitoring pursuant to the provisions of this subchapter shall be conducted using N.J.A.C. 7:27B-3 or other method approved in advance by the Department and acceptable to EPA.

(g) Hourly emissions limits apply to any consecutive 60 minute period, and testing performed to verify compliance shall be based on a 60 minute period during which the equipment or control apparatus is used and operated under conditions acceptable to the Department and consistent with the operational parameters and limits set forth in any permit or certificate in effect. If circumstances require that test periods be less than, or more than 60 minutes (such as when an operational duration is less than 60 minutes or when detectability limits are approached for low concentration gas streams), the Department may require different test periods in its review and approval of test protocols.

(h) Any record keeping requirement set forth at N.J.A.C. 7:27-16.2(k), 16.3(s), 16.7(m), 16.7(n), 16.16(g), or 16.20(g), shall become effective on October 1, 1992, except for record keeping based on continuous emission monitoring. Any record keeping requirement based on continuous emission monitoring shall become effective on April 1, 1993.

(i) Any person who reports information to the Department pursuant to the requirements set forth at N.J.A.C. 7:27-16.2(k), 16.3(s), 16.7(m) and (n), 16.16(g), or 16.20(g) may assert a confidentiality claim for that information in accordance with the procedures set forth at N.J.A.C. 7:27-1.6 through 1.30.

Recodification: Recodified from 16.8.

See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(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).

Require EPA approval of variances and access to records.

Amended by R.1993 d.128, effective March 15, 1993 (operative April 20, 1993).

See: 24 N.J.R. 2979(a), 25 N.J.R. 1254(a).

Corrected internal cite.

Recodified from 7:27-16.9 and 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).

Administrative Correction.

See: 27 N.J.R. 2740(a).

### 7:27-16.23 Procedures for demonstrating compliance

(a) The owner or operator of equipment or a source operation subject to N.J.A.C. 7:27-16.8, 16.9, 16.10, 16.11 or 16.13 that is subject to an emission limit under this subchapter shall demonstrate compliance with the emission limit pursuant to (a)1 below if a continuous emissions monitoring system has been installed on the equipment or source operation for the air contaminant in question, or pursuant to (a)2 below if no such system has been installed for the air contaminant.

1. With respect to an emission limit for any air contaminant monitored by a continuous emissions monitoring system installed on the equipment or source operation, compliance with the limit is based upon the average of emissions over one calendar day, not including periods of equipment downtime.

2. With respect to an emission limit for any air contaminant that is not monitored by a continuous emissions monitoring system installed on the equipment or source operation, compliance with the limit is based upon the average of three one-hour tests, each performed over a consecutive 60-minute period specified by the Department and performed in compliance with N.J.A.C. 7:27-16.22.

(b) For any equipment or source operation subject to (a) above which was in operation before January 1, 1995, the owner or operator shall demonstrate compliance with this subchapter in accordance with (a)1 or 2 above by May 31, 1996, and thereafter at the frequency set forth in the permit or certificate for such equipment or source operation.

(c) For any equipment or source operation subject to (a) above which commences operations or is altered after January 1, 1995, the owner or operator shall demonstrate compliance with this subchapter in accordance with (a) or (b) above within 180 days from the date on which the source operation commences operation, and thereafter at the frequency set forth in the permit or certificate for such equipment or source operation.

(d) An exceedance of any applicable VOC or CO emission limit set forth in this subchapter, determined through testing or monitoring performed pursuant to (a) or (b) above or otherwise, is a violation of this subchapter.

New Rule, 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).

### 7:27-16.24 (Reserved)

New Rule, 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).

Repealed by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).

See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).

Section was "Adjusting combustion processes".

### 7:27-16.25 (Reserved)

**7:27-16.26 Variances**

(a) Whenever a person responsible for the emission of any VOC believes that advances in the art of control for the kind and amount of VOC emitted have not developed to a degree which would enable the requirements of this subchapter to be attained, such person may apply to the Department in writing for a variance, setting forth any reason and justification therefor.

(b) Any person submitting an application for a variance to the Department is subject to the certification requirements set forth at N.J.A.C. 7:27-1.39.

(c) The Department may issue a variance which shall be valid for a period not to exceed three consecutive years from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation.

(d) Variances issued under the provisions of this section shall be conditional upon:

1. Compliance with any requirements which the Department sets forth as conditions of approval; and

2. Approval by the EPA as a revision to the State Implementation Plan.

(e) Variances may be revoked at any time at the discretion of the Department.

(f) Any applicant aggrieved by the denial or revocation by the Department of a variance allowed under the provisions of this section may request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32.

Recodification: From 16.9.  
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(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).  
Addressed EPA-identified deficiencies.  
Recodified from 7:27-16.10 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).  
Administrative Correction.  
See: 27 N.J.R. 2740(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).  
In (f), changed N.J.A.C. reference.

**7:27-16.27 Exceptions**

(a) The provisions of this subchapter shall not apply to any stationary vessel or delivery vessel maintained under a pressure greater than one atmosphere provided that any vent serving such vessel has the sole function of relieving pressure under abnormal emergency conditions.

(b) The provisions of this subchapter shall not apply to the emissions of VOC from the following source operations:

1. Offset lithography printing operations until November 15, 1994;
2. Surface coating of plastic parts until November 15, 1994;
3. Natural gas pipelines that are not major VOC facilities, with the exception of blowdown events as set forth in N.J.A.C. 7:27-16.21;
4. Industrial wastewater treatment systems until November 15, 1994;
5. All other wastewater treatment facilities until November 15, 1994; and
6. Open burning.

Recodification: From 16.12.  
See: 17 N.J.R. 1969(a), 18 N.J.R. 1936(a).  
Recodified from 16.13 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).  
Recodified from 7:27-16.12 and 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).

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

### Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 13:1D-1 et seq. and 26:2C-1 et seq. and were filed and became effective on June 14, 1977, as R.1977 d.207. See: 9 N.J.R. 69(a), 9 N.J.R. 321(b). Amendments were filed on October 17, 1979, as R.1979 d.414 to become effective on December 17, 1979. See: 10 N.J.R. 477(b), 11 N.J.R. 544(b).

**7:27-17.1 Definitions**

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

“Aerodynamic downwash” means the rapid descent of a plume to ground level with little dilution and dispersion due to alteration of background air flow characteristics caused by the presence of buildings or other obstacles in the vicinity of the emission point.

“Air contaminant” means any substance, other than water or distillates of air, present in the atmosphere as solid particles, liquid particles, vapors or gases.

“Asbestos” means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

“CFR” means the Code of Federal Regulations.

“Control apparatus” means any device which prevents or controls the emission of any air contaminant directly or indirectly into the outdoor atmosphere.

Recent CPI-U = the CPI-U for the August before January 1 of the next five-year period in Table 1. For example, a five-year period in Table 1 starts on January 1, 2015. The August before January 1, 2015 is August 2014. Therefore, the Recent CPI-U would equal the CPI-U for August 2014. Use the year as directed in Table 1.

Base CPI-U = the CPI-U for the sixth August before January 1 of the next five-year period in Table 1. An exception is that the Base CPI-U for the five-year period, January 1, 2010 through December 31, 2014, shall be the CPI-U for August 2003. Use the year as directed in Table 1.

Table 1

<u>Five-Year Period</u>	<u>Base CPI-U</u>	<u>Recent CPI-U</u>	<u>New Jersey Register Publication</u>
January 1, 2010 through December 31, 2014	August 2003	August 2009	November 2009
January 1, 2015 through December 31, 2019	August 2009	August 2014	November 2014
January 1, 2020 through December 31, 2024	August 2014	August 2019	November 2019
January 1, 2025 through December 31, 2029	August 2019	August 2024	November 2024
January 1, 2030 through December 31, 2034	August 2024	August 2029	November 2029

4. If the inflation factor is a negative number, the fees set forth in (r), (s) and (t) above shall remain unchanged.

5. If the inflation factor is a positive number, the percent increase shall be rounded to one decimal place. Each of the fees set forth in (r), (s) and (t) above shall be multiplied by the rounded percent increase to preliminarily determine each fee's increase. Each fee's increase shall then be added to the fee to preliminarily determine the adjusted fee. The final adjusted fee shall then be determined by rounding up the preliminary adjusted fee to the next five dollars.

6. In November of the year preceding the year in which the adjusted fees are to be operative, the Department shall provide a public notice, which shall set forth the adjusted fees, if any, established under this subsection and operative on the following January 1. The Department shall provide public notice by publication of the notice and a notice of administrative change, setting forth the adjusted fees, in the New Jersey Register according to the schedule in Table 1

above. For example, the adjusted fees effective January 1, 2010 shall be published in November 2009.

7. The adjusted fees shall be operative starting the first day of each five year period stated in Table 1.

8. The applicable fee schedule shall be determined as follows:

i. The Base Fee shall be the Base Fee operative on the date the Department receives an administratively complete application or notice.

ii. The Supplementary Fee shall be the Supplementary Fee operative on the date performance of the supplementary activity is completed.

New Rule, R.1995 d.492, effective September 5, 1995 (operative October 8, 1995).

See: 27 N.J.R. 22(b), 27 N.J.R. 3472(a).

Amended by R.1995 d.493, effective September 5, 1995 (operative October 8, 1995).

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

Public Notice: Supplemental surcharge fee amount for operating permit facilities.

See: 28 N.J.R. 1562(b).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.

See: 30 N.J.R. 4079(a).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.

See: 32 N.J.R. 116(a).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.

See: 32 N.J.R. 4478(a).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.

See: 34 N.J.R. 782(c).

Public Notice: Air Contaminant Emission Fee and Reconstruction Determination.

See: 34 N.J.R. 4474(b).

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

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

In (b), substituted "reporting" for "emission statement" following "during the" in the introductory paragraph and inserted a third sentence.

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 35 N.J.R. 5444(b).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 36 N.J.R. 5171(b).

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 37 N.J.R. 4475(a).

Amended by R.2006 d.212, effective June 19, 2006 (operative June 30, 2006).

See: 37 N.J.R. 4728(a), 38 N.J.R. 2691(b).

Rewrote section.

Public Notice: Consumer Price Index Percentage Increase and Air Contaminant Emission Fee.

See: 38 N.J.R. 4760(b).

**7:27-22.32 Hearings and appeals**

(a) An adjudicatory hearing regarding a determination made by the Department pursuant to this subchapter may be requested and granted in accordance with N.J.A.C. 7:27-1.32.

(b) If a person does not have a right to request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32, there is final

agency action as to that person when the Department takes final action on the application.

(c) If a person does have a right to request an adjudicatory hearing pursuant to N.J.A.C. 7:27-1.32, there is final agency action as to that person when the Department denies the request for an adjudicatory hearing, or when the Commissioner issues a final decision on the matter, whichever is later.

(d) A person who wishes to appeal a penalty assessed for a violation of this subchapter may request an adjudicatory hearing pursuant to the procedures at N.J.A.C. 7:27A.

(e) The Department's failure to take final action on an administratively complete application for an initial operating permit, renewal, minor modification or significant modification, within the deadlines provided by this subchapter, shall constitute grounds for the commencement of an action in lieu of the prerogative writ of mandamus, to compel Departmental action on the application.

Amended by R.1998 d.231, effective May 4, 1998 (operative June 12, 1998).

See: 29 N.J.R. 3521(a), 30 N.J.R. 1563(b).

In (a) through (c), changed N.J.A.C. references.

### 7:27-22.33 Preconstruction review

(a) This section sets forth the procedures by which the Department will implement the preconstruction review requirements of N.J.S.A. 26:2C-1 et seq., as they apply to facilities subject to this subchapter.

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

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

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

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

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

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

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

### 7:27-22.34 Early reduction of HAP emissions

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

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

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

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

1. The quantity of verifiable actual emissions released from the facility during a representative year no earlier than 1987. No year may be used as the representative year for which there is any evidence that emissions during that year are artificially or substantially greater than emissions

(d) The person performing the inspection shall certify on the compliance form, in accordance with N.J.A.C. 7:27-1.39, whether the retrofit requirement has or has not been met, based on verification of (c)1 through 3 above.

(e) If the owner of the regulated vehicle is a licensed diesel emissions inspection center or is otherwise authorized to self-inspect his or her vehicles, the owner may perform the inspection and provide the certification required pursuant to (d) above.

(f) Each regulated vehicle must be inspected one time, in accordance with this section, to confirm installation of the required best available retrofit technology. If the inspector is unable to confirm that the required best available retrofit technology has been installed, the owner of the regulated vehicle shall ensure the installation of the required best available retrofit technology no later than the installation deadline established for the owner of the regulated vehicle in accordance with N.J.A.C. 7:27-32.18(a) and shall have compliance verified in accordance with this section within 30 days after installation.

#### 7:27-32.22 Recordkeeping requirements

(a) Each owner of a regulated school bus, regulated vehicle or regulated equipment shall keep in a single location at his or her place of business, available for Department inspection, the following:

1. The current and completed original compliance form pursuant to N.J.A.C. 7:27-32.20 for each vehicle or piece of equipment, or any other document that may be issued or required pursuant to N.J.S.A. 26:2C-8.45 to verify compliance;

2. Maintenance records for the CCVS or best available retrofit technology;

3. For each vehicle or piece of equipment required to use modified fuel or fuel additives pursuant to N.J.A.C. 7:27-32.8, or the approved fleet plan or approved supplement or approved modification thereto, as applicable, records of fuel purchases since the use of the retrofit and fuel additive or fuel began, or for the two preceding calendar years, whichever is of shorter duration;

4. The original, approved fleet plan, any supporting documentation submitted to the Department, and approvals or disapprovals of the requests, plans, supplements, or modifications, as applicable;

5. Maintenance records of the usage or documentation demonstrating permanent removal of the engine from service of any vehicle or piece of equipment retired from the fleet and included in a fleet retrofit plan, combined fleet retrofit plan, fleet averaging plan or combined fleet averaging plan; and

6. Any other documentation pertinent to fleet averaging plan approvals.

(b) The Department may call upon the State Police to assist with inspections pursuant to this section, if necessary.

(c) The owner of a regulated school bus, regulated vehicle or regulated equipment shall retain the records listed in (a) above for a minimum of five years.

#### 7:27-32.23 Program support

(a) Any person seeking further information concerning this program or specific technical guidance for the preparation of fleet retrofit plans, combined fleet retrofit plans, and fleet averaging plans required pursuant to this section and any revisions, supplements, or modifications thereto may contact the Department as follows:

1. Visit the Diesel Risk Reduction Program's website at <http://www.state.nj.us/dep/stopthesoot/>;

2. Write the Department at Diesel Risk Reduction Program, 401 E. State St., P.O. Box 418, Trenton, NJ 08625-0418; or

3. Call the Diesel Risk Reduction Program at (609) 292-7953.

#### 7:27-32.24 Application for reimbursement

(a) The State Treasurer will reimburse the authorized installer of a retrofit device or closed crankcase ventilation system for the purchase and installation costs incurred in installing the retrofit device or closed crankcase ventilation system pursuant to the requirements of this subchapter.

(b) The authorized installer will be responsible for the purchase and installation of the retrofit devices or closed crankcase ventilation systems. An authorized installer who is reimbursed for the costs associated with the purchase and installation of a closed crankcase ventilation system or retrofit device may not impose any charge on any owner of a regulated vehicle or piece of regulated equipment for any cost associated with the purchase and installation of said device.

(c) To receive reimbursement, the authorized installer shall complete and submit to the Department a reimbursement application on a form or in a format supplied by the Department. The Department will make the reimbursement application available electronically on the Department's website at <http://www.state.nj.us/dep/stopthesoot/>. The authorized installer shall include the following information and support documentation in the reimbursement application:

1. Proof of purchase, such as purchase order, receipt or invoices for the retrofit device or closed crankcase ventilation system, that demonstrates actual costs incurred. The authorized installer shall also include the vehicle identification number or serial number of the regulated vehicle or regulated equipment;

2. Proof of installation to include an itemized listing or work order of the parts, materials, labor and actual costs,

and written authorization by the vehicle owner indicating the vehicle owner's approval to perform the specified work;

3. The authorized installer certification that purchase and installation were in accordance with the manufacturer's instructions and N.J.A.C. 7:27-32.5, if applicable, and warranty requirements at N.J.A.C. 7:27-32.9;

4. The vehicle owner's certification that the installation was completed and that access will be provided to vehicles or equipment to determine compliance with the terms and conditions of the reimbursement award;

5. The authorized installer certification that he or she did not provide false information or withhold information on the application for reimbursement such that the processing of the application based on the false or withheld information could result in the reimbursement of the authorized installer:

- i. Where the authorized installer was ineligible for reimbursement;
- ii. In an amount greater than that for which the authorized installer would otherwise be eligible; or
- iii. In an amount in excess of the actual costs of the installation or the amount to which the authorized installer is legally eligible; and

6. Justification for any difference between the actual cost provided pursuant N.J.A.C. 7:27-32.20(d) or (e) and the estimated cost provided pursuant to N.J.A.C. 7:27-32.4(d), 32.12(a)3 or 32.16(d)3.

(d) The Department will review and approve or deny each application for reimbursement and will forward the approved applications for reimbursement to the State Treasurer for payment. The State Treasurer will pay the reimbursement to the authorized installer only after the installation of the retrofit device or closed crankcase ventilation system, as approved by the Department.

(e) The Department will deny an application for reimbursement upon a finding that the applicant for reimbursement:

1. Provided false information on an application in support of reimbursement from the fund for which he or she was not otherwise eligible; or
2. Withheld information on an application that renders the applicant ineligible for reimbursement from the fund or ineligible for the amount of reimbursement applied for.

(f) Nothing in this section shall be construed to require the Department, the State Treasurer, or any other State agency or department, to undertake an investigation or make any findings concerning the conduct described in (e) above.

(g) During the review of the application, the Department may request additional information related to the purchase

and installation cost estimates, and any support documentation needed from the applicant to warrant and support payment in accordance with Treasury Circular Letter No. 98-17-OMB, as supplemented or amended, available at <http://www.state.nj.us/infobank/circular/circindx.htm>.

(h) The State Treasurer shall pay the reimbursement amount within 30 days after receipt of the approved application for reimbursement from the Department.

#### 7:27-32.25 Recovery of reimbursement

(a) The State Treasurer may recover any reimbursement from the fund, upon a finding that:

1. The purchase or installation of a CCVS or BART on the vehicle or equipment for which the application for reimbursement was filed was not completed; or
2. The applicant for reimbursement:
  - i. Provided false information or withheld information on an application that renders the applicant ineligible for reimbursement from the fund;
  - ii. Received a larger reimbursement from the fund than the applicant would otherwise be eligible; or
  - iii. Received payments from the fund in excess of the actual costs incurred by the applicant or received reimbursement in excess of the amount for which the applicant is legally eligible.

(b) Nothing in this section shall be construed to require the State Treasurer, the Department, or any other State agency or department, to undertake an investigation or make any findings concerning the conduct described in (a) above.

### APPENDIX

#### CHEMICALS DEFINING SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING

CAS #	Chemical
105-57-7	Acetal
75-07-0	Acetaldehyde
107-89-1	AcetaldoI
60-35-5	Acetamide
103-84-4	Acetanilide
64-19-7	Acetic acid
108-24-7	Acetic anhydride
67-64-1	Acetone
75-86-5	Acetone cyanohydrin
75-05-8	Acetonitrile
96-86-2	Acetophenone
75-36-5	Acetyl chloride
74-86-2	Acetylene
107-02-8	Acrolein
79-06-1	Acrylamide
79-10-7	Acrylic acid
107-13-1	Acrylonitrile
124-04-9	Adipic acid

CAS #	Chemical	CAS #	Chemical
111-69-3	Adiponitrile	9004-35-7	Cellulose acetate
††	Alkyl naphthalenes	79-11-8	Chloroacetic acid
107-18-6	Allyl alcohol	108-42-9	m-chloroaniline
107-05-1	Allyl chloride	95-51-2	o-chloroaniline
1321-11-5	Aminobenzoic acid	106-47-8	p-chloroaniline
111-41-1	Aminoethylethanolamine	35913-09-8	Chlorobenzaldehyde
123-30-8	p-Aminophenol	108-90-7	Chlorobenzene
628-63-7, 123-92-2	Amyl acetates	†	Chlorobenzoic acid
71-41-0, †	Amyl alcohols	†	Chlorobenzotrichloride
110-58-7	Amyl amine	1321-03-5	Chlorobenzoyl chloride
543-59-9	Amyl chloride	25497-29-4	Chlorodifluoromethane
110-66-7, †	Amyl mercaptans	75-45-6	Chlorodifluoroethane
1322-06-1	Amyl phenol	67-66-3	Chloroform
62-53-3	Aniline	25586-43-0	Chloronaphthalene
142-04-1	Aniline hydrochloride	88-73-3	o-chloronitrobenzene
29191-52-4	Anisidine	100-00-5	p-chloronitrobenzene
100-66-3	Anisole	25167-80-0	Chlorophenols
118-92-3	Anthranilic acid	126-99-8	Chloroprene
84-65-1	Anthraquinone	7790-94-5	Chlorosulfonic acid
100-52-7	Benzaldehyde	108-41-8	m-chlorotoluene
55-21-0	Benzamide	95-49-8	o-chlorotoluene
71-43-2	Benzene	106-43-4	p-chlorotoluene
98-48-6	Benzenedisulfonic acid	75-72-9	Chlorotrifluoromethane
98-11-3	Benzenesulfonic acid	108-39-4	m-cresol
134-81-6	Benzil	95-48-7	o-cresol
76-93-7	Benzilic acid	106-44-5	p-cresol
65-85-0	Benzoic acid	1319-77-3	Mixed cresols
119-53-9	Benzoin	1319-77-3	Cresylic acid
100-47-0	Benzonitrile	4170-30-0	Crotonaldehyde
119-61-9	Benzophenone	3724-65-0	Crotonic acid
98-07-7	Benzotrichloride	98-82-8	Cumene
98-88-4	Benzoyl chloride	80-15-9	Cumene hydroperoxide
100-51-6	Benzyl alcohol	372-09-8	Cyanoacetic acid
100-46-9	Benzylamine	506-77-4	Cyanogen chloride
120-51-4	Benzyl benzoate	108-80-5	Cyanuric acid
100-44-7	Benzyl chloride	108-77-0	Cyanuric chloride
98-87-3	Benzal chloride	110-82-7	Cyclohexane
92-52-4	Biphenyl	108-93-0	Cyclohexanol
80-05-7	Bisphenol A	108-04-1	Cyclohexanone
108-86-1	Bromobenzene	110-83-8	Cyclohexene
27497-51-4	Bromonaphthalene	108-91-8	Cyclohexylamine
106-99-0	Butadiene	111-78-4	Cyclooctadiene
106-98-9	l-butene	112-30-1	Decanol
123-86-4	n-butyl acetate	123-42-2	Diacetone alcohol
141-32-2	n-butyl acrylate	27576-04-1	Diaminobenzoic acid
71-36-3	n-butyl alcohol	†	Dichloroaniline
78-92-2	s-butyl alcohol	541-73-1	m-dichlorobenzene
75-65-0	t-butyl alcohol	95-50-1	o-dichlorobenzene
109-73-9	n-butylamine	106-46-7	p-dichlorobenzene
13952-84-6	s-butylamine	75-71-8	Dichlorofluoromethane
75-64-9	t-butylamine	107-06-2	1,2-dichloroethane (EDC)
98-73-7	4-tert-butyl benzoic acid	111-44-4	Dichloroethyl ether
107-88-0	1,3-butylene glycol	96-23-1	Dichlorohydrin
123-72-8	n-butyraldehyde	26952-23-8	Dichloropropene
107-92-6	Butyric acid	101-83-7	Dicyclohexylamine
106-31-0	Butyric anhydride	109-89-7	Diethylamine
109-74-0	Butyronitrile	111-46-6	Diethylene glycol
105-60-2	Caprolactam	112-36-7	Diethylene glycol diethyl ether
75-15-50	Carbon disulfide	111-96-6	Diethylene glycol dimethyl ether
558-13-4	Carbon tetrabromide	112-34-5	Diethylene glycol monobutyl ether
56-23-5	Carbon tetrachloride	124-17-4	Diethylene glycol monobutyl ether acetate

CAS #	Chemical	CAS #	Chemical
111-90-0	Diethylene glycol monoethyl ether	105-39-5	Ethyl chloroacetate
112-15-2	Diethylene glycol monoethyl ether acetate	105-56-6	Ethylcyanoacetate
111-77-3	Diethylene glycol monomethyl ether	74-85-1	Ethylene
64-67-5	Diethyl sulfate	96-49-1	Ethylene carbonate
75-37-6	Difluoroethane	107-07-3	Ethylene chlorohydrin
25167-70-8	Diisobutylene	107-15-3	Ethylenediamine
26761-40-0	Diisodecyl phthalate	106-93-4	Ethylene dibromide
27554-26-3	Diisooctyl phthalate	107-21-1	Ethylene glycol
674-82-8	Diketene	111-55-7	Ethylene glycol diacetate
124-40-3	Dimethylamine	110-71-4	Ethylene glycol dimethyl ether
121-69-7	N,N-dimethylaniline	111-76-2	Ethylene glycol monobutyl ether
115-10-6	N,N-dimethyl ether	112-07-2	Ethylene glycol monobutyl ether acetate
68-12-2	N,N-dimethylformamide	110-80-5	Ethylene glycol monoethyl ether
57-14-7	Dimethylhydrazine	111-15-9	Ethylene glycol monoethyl ether acetate
77-78-1	Dimethyl sulfate	109-86-4	Ethylene glycol monomethyl ether
75-18-3	Dimethyl sulfide	110-49-6	Ethylene glycol monomethyl ether acetate
67-68-5	Dimethyl sulfoxide	122-99-6	Ethylene glycol monophenyl ether
120-61-6	Dimethyl terephthalate	2807-30-9	Ethylene glycol monopropyl ether
99-34-3	3,5-dinitrobenzoic acid	75-21-8	Ethylene oxide
51-28-5	2,4-dinitrophenol	60-29-7	Ethyl ether
25321-14-6	Dinitrotoluene	104-76-7	2-ethylhexanol
123-91-1	Dioxane	122-51-0	Ethyl orthoformate
646-06-0	Dioxolane	95-92-1	Ethyl oxalate
122-39-4	Diphenylamine	41892-71-1	Ethyl sodium oxalacetate
101-84-8	Diphenyl oxide	50-00-0	Formaldehyde
102-08-9	Diphenyl thiourea	75-12-7	Formamide
25265-71-8	Dipropylene glycol	64-18-6	Formic acid
25378-22-7	Dodecene	110-17-8	Fumaric acid
28675-17-4	Dodecylaniline	98-01-1	Furfural
27193-86-8	Dodocylphenol	56-81-5	Glycerol
106-89-8	Epichlorohydrin	26545-73-7	Glycerol dichlorohydrin
64-17-5	Ethanol	25791-96-2	Glycerol triether
†	Ethanolamines	56-40-6	Glycine
141-78-6	Ethyl acetate	107-22-2	Glyoxal
141-97-9	Ethyl acetoacetate	118-74-1	Hexachlorobenzene
140-88-5	Ethyl acrylate	67-72-1	Hexachloroethane
75-04-7	Ethylamine	36653-82-4	Hexadecanol
100-41-4	Ethylbenzene	124-09-4	Hexamethylenediamine
74-96-4	Ethyl bromide	629-11-8	Hexamethylene glycol
9004-57-3	Ethylcellulose	100-97-0	Hexamethylenetetramine
75-00-3	Ethyl chloride		

CAS #	Chemical	CAS #	Chemical
74-90-8	Hydrogen cyanide	1321-12-6	Nitrotoluene
123-31-9	Hydroquinone	27215-95-8	Nonene
99-06-9	p-hydroxybenzoic acid	25154-52-3	Nonylphenol
26760-64-5	Isoamylene	27913-28-8	Octylphenol
78-83-1	Isobutanol	123-63-7	Paraldehyde
110-19-0	Isobutyl acetate	115-77-5	Pentaerythritol
115-11-7	Isobutylene	109-66-0	n-pentane
78-84-2	Isobutyraldehyde	109-67-1	l-pentene
79-31-2	Isobutyric acid	127-18-4	Perchloroethylene
25339-17-7	Isodecanol	594-42-3	Perchloromethyl mercaptan
26952-21-6	Isooctyl alcohol	94-70-2	o-phenetidine
78-78-4	Isopentane	156-43-4	p-phenetidine
78-59-1	Isophorone	108-95-2	Phenol
121-91-5	Isophthalic acid	†	Phenolsulfonic acids
78-79-5	Isoprene	91-40-7	Phenyl anthranilic acid
67-63-0	Isopropanol	††	Phenylenediamine
108-21-4	Isopropyl acetate	75-44-5	Phosgene
75-31-0	Isopropylamine	85-44-9	Phthalic anhydride
75-29-6	Isopropyl chloride	85-41-6	Phthalimide
25168-06-3	Isopropylphenol	108-99-6	b-picoline
463-51-4	Ketene	110-85-0	Piperazine
††	Linear alkyl sulfonate	†	Polybutenes
123-01-3	Linear alkylbenzene	25322-68-3	Polyethylene glycol
110-16-7	Maleic acid	25322-69-4	Polypropylene glycol
108-31-6	Maleic anhydride	123-38-6	Propionaldehyde
6915-15-7	Malic acid	79-09-4	Propionic acid
141-79-7	Mesityl oxide	71-23-8	n-propyl alcohol
121-47-1	Metanilic acid	107-10-8	Propylamine
79-41-4	Methacrylic acid	540-54-5	Propyl chloride
563-47-3	Methallyl chloride	115-07-1	Propylene
67-56-1	Methanol	127-00-4	Propylene chlorohydrin
79-20-9	Methyl acetate	78-87-5	Propylene dichloride
105-45-3	Methyl acetoacetate	57-55-6	Propylene glycol
74-89-5	Methylamine	75-56-9	Propylene oxide
100-61-8	n-methylaniline	110-86-1	Pyridine
74-83-9	Methyl bromide	106-51-4	Quinone
37365-71-2	Methyl butynol	108-46-3	Resorcinol
74-87-3	Methyl chloride	27138-57-4	Resorcylic acid
108-87-2	Methylcyclohexane	69-72-7	Salicylic acid
1331-22-2	Methylcyclohexanone	127-09-3	Sodium acetate
75-09-2	Methylene chloride	532-32-1	Sodium benzoate
101-77-9	Methylene dianiline	9004-32-4	Sodium carboxymethyl cellulose
101-68-8	Methylene diphenyl diisocyanate	3926-62-3	Sodium chloracetate
78-93-3	Methyl ethyl ketone	141-53-7	Sodium formate
107-31-3	Methyl formate	139-02-6	Sodium phenate
108-11-2	Methyl isobutyl carbinol	110-44-1	Sorbic acid
108-10-1	Methyl isobutyl ketone	100-42-5	Styrene
80-62-6	Methyl methacrylate	110-15-6	Succinic acid
77-75-8	Methylpentynol	110-61-2	Succinonitrile
98-83-9	a-methylstyrene	121-57-3	Sulfanilic acid
110-91-8	Morpholine	126-33-0	Sulfolane
85-47-2	a-naphthalene sulfonic acid	1401-55-4	Tannic acid
120-18-3	b-naphthalene sulfonic acid	100-21-0	Terephthalic acid
90-15-3	a-naphthol	†	Tetrachloroethanes
135-19-3	b-naphthol	117-08-8	Tetrachlorophthalic anhydride
75-98-9	Neopentanoic acid	78-00-2	Tetraethyl lead
88-74-4	o-nitroaniline	119-64-2	Tetrahydronaphthalene
100-01-6	p-nitroaniline	85-43-8	Tetrahydrophthalic anhydride
91-23-6	o-nitroanisole	75-74-1	Tetramethyl lead
100-17-4	p-nitroanisole	110-60-1	Tetramethylenediamine
98-95-3	Nitrobenzene	110-18-9	Tetramethylethylenediamine
†	Nitrobenzoic acid (o, m, & p)	108-88-3	Toluene
79-24-3	Nitroethane	95-80-7	2,4-diaminotoluene
75-52-5	Nitromethane	584-84-9	Toluene-2,4-diisocyanate
88-75-5	2-Nitrophenol	26471-62-5	Toluene diisocyanates (mixture)
25322-01-4	Nitropropane	1333-07-9	Toluenesulfonamide

CAS #	Chemical
†	Toluenesulfonic acids
98-59-9	Toluenesulfonyl chloride
26915-12-8†	Toluidines
†	Trichlorobenzenes
71-55-6	1,1,1-trichloroethane
79-00-5	1,1,2-trichloroethane
79-01-6	Trichloroethylene
75-69-4	Trichlorofluoromethane
96-18-4	1,2,3-trichloropropane
76-13-1	1,1,2-trichlorotrifluoroethane
121-44-8	Triethylamine
112-27-6	Triethylene glycol
112-49-2	Triethylene glycol dimethyl ether
7756-94-7	Triisobutylene
75-50-3	Trimethylamine
57-13-6	Urea

CAS #	Chemical
108-05-4	Vinyl acetate
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride
25013-15-4	Vinyl toluene
1330-20-7	Xylenes (mixed)
95-47-6	o-xylene
106-42-3	p-xylene
1300-71-6	Xylenol
1300-73-8	Xylidine
1634-04-4	Methyl tert-butyl ether
9002-88-4	Polyethylene
9003-07-0	Polypropylene
9003-53-6	Polystyrene

† CAS numbers for the various isomers and mixtures have not been listed here.

†† CAS numbers not available.