

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".

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 (a) and (b); reserved (c), (i) and (j); substituted "may be paid" for "shall be payable" in (e); in (f), substituted "all applicable fees" for "both a preconstruction permit application fee and an operating certificate fee," and inserted "and the Supplementary Fee Schedule"; in (h), inserted "credit card, Internet electronic checking," and "or" and deleted "or money order,"; inserted (I); in "A. Base Fee Tables", rewrote Tables 1 through 3 and deleted Tables 4 through 10; and rewrote "B. Supplementary Fee Schedule".

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, the permittee shall renew the operating certificate in accordance with N.J.A.C. 7:27-8.4(n).

(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".

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 (e).

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. The construction, installation, reconstruction, modification and operation of:

- i. A single stationary reciprocating internal combustion engine emergency generator with a maximum rated heat input to the burning chamber of less than 80 million BTU per hour; or
- ii. Multiple stationary reciprocating internal combustion engine emergency generators with a combined maximum rated heat input to the burning chamber of less than 80 million BTU per hour.

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;

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), 3076(a).
 Public Notice: Draft General Permits comment opportunity.
 See: 36 N.J.R. 3303(b), 3303(c), 3304(a).
 Administrative change.
 See: 36 N.J.R. 4511(a), 4512(a), 4513(a).
 Public Notice: Small Emitter General Air Permit (SEGAP)(GP-016).
 See: 36 N.J.R. 4544(a).
 Public Notice: Draft General Permit (GP-015) for Non-MACT Plating Operations.
 See: 37 N.J.R. 142(a).
 Administrative change.
 See: 37 N.J.R. 4436(a), 4911(a).
 Public Notice: Draft General Permit (GP-020) for Research and Development.
 See: 38 N.J.R. 343(a).
 Public Notice: Air Quality Permitting: Opportunity for Public Comment on Revised General Permit (GP-005) for Emergency Generators.
 See: 38 N.J.R. 1351(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).
 Inserted "of" after "instructions for the use" in (g).
 Administrative change.
 See: 38 N.J.R. 2798(b).
 Public Notice: Announcement of Revised General Permit GP-008.
 See: 38 N.J.R. 2799(a).
 Administrative change.
 See: 39 N.J.R. 383(a).
 Public Notice: Draft General Permits comment opportunity.
 See: 39 N.J.R. 4452(a), 4867(c).
 Administrative change.
 See: 40 N.J.R. 880(a), 1646(a).
 Public Notice: Draft General Permits comment opportunity.
 See: 40 N.J.R. 5073(a).

7:27-8.9 Environmental improvement pilot tests

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

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

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

within the definition of an environmental improvement pilot test at N.J.A.C. 7:27-8.1.

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

(e) The Department shall determine the term of a permit and certificate for an environmental improvement pilot test approval on a case-by-case basis, but in no case shall the approval last longer than 90 days from the start of the actions covered by the environmental improvement pilot test approval. If the permittee wishes to extend the pilot test for 90 or fewer days, the permittee shall submit a new application for a preconstruction permit and operating certificate for an environmental improvement pilot test to the Department. The Department shall approve this application 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.

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).

In (e), deleted "The approval may be renewed by application", added "If the permittee ... pilot test" and substituted "approve this application" for "renew the environmental improvement pilot test approval".

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:

3. The manufacturer or distributor makes the shipping documentation available to the Department, upon written request, for any product it has shipped or received;

4. The manufacturer or distributor demonstrates, to the satisfaction of the Department, that it has taken reasonably prudent precautions to ensure that the product is not offered for sale, held for sale, sold, or otherwise supplied to a retail outlet or a consumer located in New Jersey; and

5. The manufacturer or a distributor does not offer for sale, hold for sale, sell, or otherwise supply any quantity of the product to a retail outlet located in New Jersey, and has not knowingly allowed or enabled another person to do so.

(h) No manufacturer shall be held liable for the sale of a consumer product that does not comply with the requirements of this subchapter to a consumer in New Jersey if:

1. The product was manufactured for use exclusively outside of New Jersey; and

2. The manufacturer meets each of the obligations listed in (g)2 through 5 above.

(i) A retailer who sells, offers for sale, or holds for sale in New Jersey a chemically formulated consumer product that violates the standards at N.J.A.C. 7:27-24.4 or a portable fuel container and/or spout that violates the certification requirements at N.J.A.C. 7:27-24.8(a) may demonstrate compliance with the applicable provisions of this subchapter, if the retailer provides any one or more of the following types of documentation with respect to its purchase of the consumer product, portable fuel container and/or spout in question:

1. Written communication between the retailer and the manufacturers and distributors that the retailer will accept only consumer products for sale in New Jersey that comply with N.J.A.C. 7:27-24;

2. Written agreements between the retailer and the manufacturers and distributors in which the manufacturers and distributors commit to supply to the retailer only consumer products that comply with N.J.A.C. 7:27-24; or

3. The retailer's use of invoices, purchase orders and other contractual and billing documents, which specify that the retailer will only accept consumer products that comply with N.J.A.C. 7:27-24.

Amended by R.2004 d.182, effective May 3, 2004 (operative June 6, 2004).

See: 35 N.J.R. 4241(b), 36 N.J.R. 2218(a).

Rewrote the section.

Amended by R.2008 d.366, effective December 1, 2008 (operative December 29, 2008).

See: 39 N.J.R. 4492(a), 40 N.J.R. 6769(a).

In (a), inserted the second sentence; in (d)3, deleted "air freshener or any" following "Any" and substituted "that" for "which"; added new (d)4; recodified former (d)4 and (d)5 as (d)5 and (d)6; in (d)6ii, deleted "and" at the end; in (d)6iii(2), inserted "and" at the end; added (d)6iv; recodified former (d)6 and (d)7 as (d)7 and (d)8; in (e)1, substituted "CFR 1910.106" for "C.F.R. 1926"; in (e)3i, inserted "motor sports,

such as car racing and"; in (e)3iii, deleted "or" at the end; in (e)4, inserted "; or" at the end; added (e)5; added new (f); recodified former (f), (g) and (h) as (g), (h) and (i); in (h)2, substituted "(g)2" for "(f)2"; and rewrote (i).

7:27-24.3 General provisions

(a) Compliance with this subchapter does not exempt a manufacturer, distributor, or retailer of a product regulated under this subchapter from the obligation to also comply with any and all other applicable Federal and State laws and rules, including State fire codes, safety codes, and other safety regulations. Any finding by the Department that a manufacturer, distributor, or retailer of a product is in compliance with this section shall not be construed to be a determination of compliance with such other laws and rules.

(b) Upon the written request of the Department, any person who is subject to this subchapter shall:

1. Identify the distributor, manufacturer, or other person from whom the product identified in the written request was obtained; and

2. Make the shipping documentation for the product identified in the written request available to the Department for any product it has shipped or received.

(c) Except as provided at N.J.A.C. 7:27-24.5(b), any person who submits information to the Department pursuant to this subchapter may assert a confidentiality claim for that information in accordance with N.J.A.C. 7:27-1.6. The Department will process and evaluate confidentiality claims and treat information claimed to be confidential in accordance with N.J.A.C. 7:27-1.6 through 1.30.

(d) A non-electronic submittal required pursuant to this subchapter shall be sent to the following address:

Bureau of Air Quality Planning
New Jersey Department of Environmental
Protection
PO Box 418
401 East State Street
Trenton, New Jersey 08625-0418

(e) Any submittal to the Department, other than a registration or re-registration, shall be certified in accordance with N.J.A.C. 7:27-1.39, Certification of information.

(f) In each written request by the Department for information, the Department shall specify the information to be reported and may specify the format in which it is to be reported.

New Rule, R.2004 d.182, effective May 3, 2004 (operative June 6, 2004).

See: 35 N.J.R. 4241(b), 36 N.J.R. 2218(a).

Former N.J.A.C. 7:27-24.3, VOC content standards, recodified to N.J.A.C. 7:27-24.4.

7:27-24.4 Chemically formulated consumer products: standards

(a) Except as provided at N.J.A.C. 7:27-24.2 and in (c), (d) and (j) below, no person shall sell, offer for sale, hold for sale, distribute for sale, supply for sale, or manufacture for sale in New Jersey a chemically formulated consumer product

that belongs to a chemically formulated consumer product category listed in Table 1 below, that was manufactured on or after the operative date in Table 1 below, and that contains a VOC content in excess of the applicable limit specified in Table 1 below.

TABLE 1
VOC CONTENT LIMITS FOR CHEMICALLY FORMULATED CONSUMER PRODUCTS

Chemically Formulated Consumer Product Category	Form	Maximum Allowable VOC Content (percent by weight, ¹ unless otherwise indicated) ²		
		State Standard Operative Date 4/30/96-12/31/04 ³	State Standard Operative Date 1/1/05	State Standard Operative Date 1/1/09
Adhesive Remover:	Floor or wall covering			5
	Gasket or thread locking			50
	General purpose			20
	Specialty			70
Adhesives	Aerosol:	75		
	Mist spray		65	
	Web spray		55	
	Special purpose spray adhesives:			
	Mounting, automotive engine compartment, and flexible vinyl		70	
	Polystyrene foam and automotive headliner		65	
	Polyolefin and laminate repair/edgebanding			60
	Contact:	80	80	N/A ⁵
	Contact general purpose			55
	Contact special purpose			80
	Construction, panel, and floor covering	40	15	
	General purpose	10	10	
Air fresheners	Structural waterproof	(Reserved)	15	
	Single-phase aerosols	70	30	
	Double-phase aerosols	30	25	
	Liquids/pump sprays	18	18	
Antiperspirants	Solids/semisolids		3	3
	Aerosols	60 HVOC	40 HVOC	
			10 MVOC	
Non-aerosols	0 HVOC	0 HVOC		
		0 MVOC		
Anti-static products, non-aerosol				11
Automotive brake cleaners			45	
Automotive rubbing or polishing compounds			17	
Automotive waxes, polishes, sealants or glazes	Hard paste waxes		45	
	Instant detailers		3	
	All other forms		15	
Automotive windshield washer fluids				35
Bathroom and tile cleaners	Aerosols	7	7	
	All other forms		15	
Bug and tar removers			40	
Carburetor or fuel-injection air intake cleaners	Aerosols	75	45	
	Non-aerosols	75	45	

December 31, 2011, so long as the product container or package displays the date on which the product was manufactured, or a code indicating such date, in accordance with N.J.A.C. 7:27-24.5.

(t) On or after June 30, 2011, any person who sells or supplies for sale a solid air freshener or toilet/urinal care product that contains paradichlorobenzene to a distributor or retailer must notify the distributor or retailer in writing that the product cannot be sold after December 31, 2011.

Recodified from N.J.A.C. 7:27-24.3 and amended by R.2004 d.182, effective May 3, 2004 (operative June 6, 2004).

See: 35 N.J.R. 4241(b), 36 N.J.R. 2218(a).

Rewrote the section. Former N.J.A.C. 7:27-2.4, Administrative requirements, recodified to N.J.A.C. 7:27-2.5.

Amended by R.2008 d.366, effective December 1, 2008 (operative December 29, 2008).

See: 39 N.J.R. 4492(a), 40 N.J.R. 6769(a).

Rewrote the section.

7:27-24.5 Chemically formulated consumer products: registration and labeling

(a) The manufacturer of a chemically formulated consumer product that is subject to this subchapter pursuant to N.J.A.C. 7:27-24.2(b)1 shall register or re-register (for manufacturers who have submitted registration prior to June 6, 2004) with the Department as follows:

1. The registration or re-registration shall be submitted to the Department on the form provided by the Department at <http://www.state.nj.us/dep/baqp>, and shall be submitted electronically, by email, on diskette, or on CD-ROM, unless:

- i. Electronic submission would impose hardship on the manufacturer; and
- ii. The Department is satisfied that a hardship exists and approves a written request from the manufacturer to submit the information on paper pursuant to (c) below;

2. The registration or re-registration shall be submitted in accordance with the following schedule:

i. For a chemically formulated consumer product sold in New Jersey and not previously registered, the registration shall be submitted no later than the later of March 29, 2009, or within 90 days of selling the product in New Jersey.

3. If, subsequent to the submission of its registration, a manufacturer begins to manufacture a product for sale in New Jersey that belongs to a chemically formulated consumer product category that was not listed in the original registration, or if information provided in the registration changes, the manufacturer shall submit a revised registration including the new information within 90 days of the change; and

4. The registration or re-registration shall include the following information:

- i. The name of the manufacturer;
- ii. The full mailing address of the manufacturer;
- iii. The name and telephone number of a contact person;
- iv. The chemically formulated consumer product category (as listed in Table 1 at N.J.A.C. 7:27-24.4) to which the manufacturer's product belongs or, if the manufacturer manufactures multiple products which belong to more than one chemically formulated consumer product category, a list of the chemically formulated consumer product categories to which the products belong (for example: adhesive, floor polish or wax, insecticide); and
- v. If the manufacturer is, for any product, complying with the requirements of this subchapter through one of the exemptions listed at N.J.A.C. 7:27-24.4(i), the following:

- (1) Product brand name;
- (2) The chemically formulated consumer product category to which the product belongs;
- (3) The type of exemption; that is, IPE, ACP, or variance; and
- (4) The state that previously approved the IPE, ACP, or variance and the issuing state's approval date.

(b) Notwithstanding N.J.A.C. 7:27-24.3(c), any information submitted as part of the registration or re-registration pursuant to (a) above and (e) below may not be claimed to be confidential, including under the procedures set forth at N.J.A.C. 7:27-1.6 through 1.29.

(c) If a manufacturer seeks approval to submit its registration or re-registration on paper, rather than electronically, the following apply:

- 1. The manufacturer shall submit the written request to the address given at N.J.A.C. 7:27-24.3(d), and the envelope in which the written request is submitted shall be labeled as follows: "Attention: Request for On-Paper Submittal of Consumer Product Registration";
- 2. The written request shall include an explanation of the hardship that electronic submission would impose on the manufacturer; and
- 3. The Department shall not approve a manufacturer's written request to submit its registration on paper unless the Department is satisfied that electronic submission would impose hardship on the manufacturer.

(d) Except as provided at (f) below, a manufacturer of a chemically formulated consumer product subject to this subchapter pursuant to N.J.A.C. 7:27-24.2(b)1 shall clearly display, on each product package, the day, month, and year in which the product was manufactured, or a code indicating

such date (that is, a date-code). The date or date-code shall be located on the packaging, or inside the cover or cap, so that it is readily observable or obtainable without irreversibly disassembling any part of the packaging, such as by simply removing the cover or cap. Use of the following code to indicate the date of manufacture in compliance with the requirements of this subsection will exempt the manufacturer from the requirements of (e) below, if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD

Where:

“YY” = two digits representing the year in which the product was manufactured, and

“DDD” = three digits representing the day of the year on which the product was manufactured, with “001” representing the first day of the year, “002” representing the second day of the year, and so forth (also known as the “Julian date”).

(e) If for any consumer product, the manufacturer uses a date-code other than the YY DDD format described at (d) above to comply with (d) above, the manufacturer shall submit an explanation of the date portion of the product code to the Department. The explanation shall be submitted with the electronic registration or re-registration, in accordance with the requirements of (a), (b) and (c) above.

(f) Subsection (d) above does not apply to a product if:

1. The product contains no VOC; or contains 0.10 percent VOC, or less, by weight;
2. The product is offered to consumers free of charge for the purpose of sampling the product; or
3. The product’s label is registered under FIFRA.

(g) For any aerosol adhesive, adhesive remover, contact adhesive, electronic cleaner, electrical cleaner, and energized electrical cleaner products manufactured on or after the effective date for the product category specified in Table 1 at N.J.A.C. 7:27-24.4(a), the manufacturer shall ensure that:

1. The following information shall be clearly displayed on each product package:
 - i. The name (as given in Table 1 at N.J.A.C. 7:27-24.4(a)) of the specific product category to which the product belongs (for example, automobile headliner adhesive) or, an abbreviation of the name of the category;
 - ii. Except for an energized electrical cleaner, the applicable VOC content standard to which the product is subject, under Table 1 at N.J.A.C. 7:27-24.4(a), expressed as a percentage by weight; and
 - iii. If the product is a special purpose spray adhesive, the applicable substrate and/or application that

qualifies the product as a special purpose spray adhesive, or an abbreviation of the substrate and/or application;

2. If abbreviation(s) are used, as allowed under (g)1i and iii above, an explanation of the abbreviation shall be submitted electronically with the electronic registration or re-registration; and

3. The information required under (g)1 above shall be displayed on the product packaging such that it is readily observable without removing or irreversibly disassembling any portion of the product packaging. Information may be displayed on the bottom of a container or package as long as it is clearly legible without removing any product packaging.

(h) For floor wax strippers which are non-aerosol products manufactured on or after January 1, 2005:

1. The manufacturer shall ensure that:

i. The label specifies a dilution ratio for light or medium build-up of polish that results in an as-used VOC concentration of three percent or less by weight; and

ii. If the floor wax stripper is also intended to be used for removal of heavy build-up of polish, the label specifies a dilution ratio for heavy build-up of polish that results in an as-used VOC concentration of 12 percent or less by weight; and

2. The terms “light build-up,” “medium build-up” or “heavy build-up” are not specifically required to be used on the label, as long as comparable terminology is used.

(i) No person shall erase, alter, deface, or otherwise remove or make illegible any information required to be displayed on any product packaging under (d), (g) or (h) above, prior to the final sale of the product to a consumer without the express authorization of the manufacturer.

Recodified in part from N.J.A.C. 7:27-24.4 and amended by R.2004 d.182, effective May 3, 2004 (operative June 6, 2004).

See: 35 N.J.R. 4241(b), 36 N.J.R. 2218(a).

Rewrote the section. Former N.J.A.C. 7:27-24.5, Test methods, recodified to N.J.A.C. 7:27-24.7.

Amended by R.2008 d.366, effective December 1, 2008 (operative December 29, 2008).

See: 39 N.J.R. 4492(a), 40 N.J.R. 6769(a).

Rewrote (a)2i; deleted (a)2ii; rewrote (d); in (e), inserted “other than the YY DDD format described at (d) above” and substituted “date portion of the product code” for “date-code”; in (f)3, substituted “FIFRA” for “the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA, 7 U.S.C. § 136-136y)”; rewrote (g); and in (i), inserted “without the express authorization of the manufacturer”.

7:27-24.6 Chemically formulated consumer products: recordkeeping and reporting

(a) Each manufacturer of a chemically formulated consumer product subject to this subchapter pursuant to N.J.A.C. 7:27-24.2(b)1 shall keep the following records:

7:27-26.4 Exemptions

(a) The requirements of this subchapter do not apply to the following compounds:

1. Adhesives, sealants, adhesive primers or sealant primers being tested or evaluated in any laboratory testing (including testing by research and development, quality assurance or analytical laboratories), provided records are maintained sufficient to demonstrate compliance with this exemption and in accordance with N.J.A.C. 7:27-26.5;

2. Adhesives, sealants, adhesive primers and sealant primers that are subject to the provisions of N.J.A.C. 7:27-24;

3. Adhesives and sealants that contain less than 20 grams of VOC per liter of adhesive or sealant, less water and less exempt compounds, as applied;

4. Cyanoacrylate adhesives;

5. Adhesives other than plastic cement welding adhesives and contact adhesives, sealants, adhesive primers or sealant primers that are sold or supplied by the manufacturer or supplier in containers with a net volume of 16 fluid ounces or less, or a net weight of one pound or less; and

6. Contact adhesives that are sold or supplied by the manufacturer or supplier in containers with a net volume of one gallon or less.

(b) The requirements of this subchapter do not apply to the following operations:

1. Tire repair operations, provided the label of the adhesive states "For tire repair only";

2. The assembly, repair and manufacture of aerospace or undersea-based weapons systems components;

3. Solvent welding operations used in the manufacture of medical devices; and

4. Plaque-laminating operations in which adhesives are used to bond clear, polyester acetate laminate to wood with lamination equipment installed prior to July 1, 1992. The exemption in this paragraph shall not apply until the person claiming the exemption notifies the Department in writing that a complying adhesive is not available.

(c) The provisions of this subchapter, other than N.J.A.C. 7:27-26.3(a) and (b), do not apply if the total of VOC emissions from all adhesives, sealants, adhesive primers and sealant primers used at the facility is less than 200 pounds per calendar year, or an equivalent volume. Any person claiming exemption pursuant to this subsection shall record and maintain for five years monthly operational records sufficient to demonstrate compliance.

(d) The provisions of N.J.A.C. 7:27-26.3(c) and (e) do not apply to the use of any adhesives, sealants, adhesive primers,

sealant primers, cleanup solvents and surface preparation solvents, provided the total volume of noncomplying adhesives, sealants, primers, cleanup and surface preparation solvents applied facility-wide does not exceed 55 gallons per calendar year. Any person claiming exemption pursuant to this subsection shall record and maintain for five years monthly operational records sufficient to demonstrate compliance.

(e) This subchapter does not apply to a manufacturer or distributor who sells, supplies or offers for sale in New Jersey any adhesive, sealant, adhesive primer or sealant primer that does not comply with the VOC content limits in N.J.A.C. 7:27-26.3, Table 1, provided that such manufacturer or distributor makes and keeps records demonstrating:

1. The adhesive, sealant, adhesive primer or sealant primer is intended for shipment and use outside of New Jersey; and

2. The manufacturer or distributor has taken reasonable precautions to assure that the adhesive, sealant, adhesive primer or sealant primer is not distributed to or within New Jersey.

(f) The provisions of (e) above do not apply to any adhesive, sealant, adhesive primer or sealant primer that is sold, supplied or offered for sale by any person to a retail outlet in New Jersey.

(g) N.J.A.C. 7:27-26.3(a) and (b) do not apply to the sale or manufacture for sale of any adhesive, sealant, adhesive primer or sealant primer to a person complying with the requirements of this subchapter by using add-on air pollution control equipment, in conformance with a permit issued pursuant to N.J.A.C. 7:27-8, that satisfies the requirements for such add-on equipment at N.J.A.C. 7:27-26.3(f).

(h) A person may use in New Jersey "single-ply roof membrane installation or repair adhesives, and adhesive primers," manufactured on and after January 1, 2009, and before January 1, 2012, that exceed the VOC content limits specified in Table 1 at N.J.A.C. 7:27-26.3, only if the product that exceeds the limits is not used during the following periods:

1. In 2009, during the months of June through August; and

2. In 2010 and 2011, during the months of May through September.

(i) A person may manufacture for use, supply for use or sell for use, in New Jersey, on and after January 1, 2009, and before January 1, 2012, "single-ply roof membrane installation or repair adhesives, and adhesive primers" that exceed the VOC content limits specified in Table 1 at N.J.A.C. 7:27-26.3, only if the product that exceeds the limits is not sold during the following periods:

1. In 2009, during the months of June through August;

2. In 2010 and 2011, during the months of May through September; and

3. On and after January 1, 2012.

(j) Any manufacturer that sells "single-ply roof membrane installation or repair adhesives, and adhesive primers" for use in New Jersey, that exceed the VOC content limits specified in Table 1 at N.J.A.C. 7:27-26.3 as provided in (i) above shall notify in writing each distributor, retailer and seller of the product that the product is not to be sold in New Jersey during the periods specified in (i) above. This notification shall be made each year in accordance with the following schedule:

1. In 2009, prior to May 15; and

2. In 2010 and 2011, prior to April 15.

(k) If any manufacturer that sells "single-ply roof membrane installation or repair adhesives, and adhesive primers" for use in New Jersey that exceed the VOC content limits specified in Table 1 at N.J.A.C. 7:27-26.3 as provided in (i) above sells a product directly to the user of the product, the manufacturer shall notify in writing each direct user of the product that the product is not to be used in New Jersey during the periods specified in (h) above. This notification shall be made each year in accordance with the following schedule:

1. In 2009, prior to May 15; and

2. In 2010 and 2011, prior to April 15.

(l) A person may manufacture for sale, sell, supply for sale, offer for sale, use or apply for compensation, within New Jersey, any adhesive, sealant, adhesive primer or sealant primer that exceeds the applicable VOC content limits specified in Table 1 at N.J.A.C. 7:27-26.3, on or after January 1, 2009 and on or before June 29, 2010, if the user, in order to comply with this subchapter, will install add-on air pollution control equipment that is not installed as of December 29, 2008.

7:27-26.5 Administrative requirements

(a) Any person subject to this subchapter pursuant to N.J.A.C. 7:27-26.2(a) to whom the Department has issued an air permit under N.J.A.C. 7:27-8 for any operation that involves the use or application of an adhesive, sealant, adhesive primer or sealant primer shall maintain records demonstrating compliance, including, but not limited to, the following information:

1. A list of each adhesive, sealant, adhesive primer, sealant primer cleanup solvent and surface preparation solvent in use and in storage;

2. A data sheet or material list which provides the material name, manufacturer identification, and material application;

3. Catalysts, reducers or other components used and the mix ratio;

4. The VOC content of each product as supplied;

5. The final VOC content or vapor pressure, as applied; and

6. The monthly volume of each adhesive, sealant, adhesive primer, sealant primer, cleanup or surface preparation solvent used.

(b) Any person who complies with N.J.A.C. 7:27-26.3(c) or (e) through the use of add-on air pollution control equipment shall record the key operating parameters for the control equipment, including but not limited to, the following information:

1. The volume used per day of each adhesive, sealant, adhesive primer, sealant primer or solvent that is subject to a VOC content limit in Table 1 at N.J.A.C. 7:27-26.3 and that exceeds such a limit;

2. On a daily basis, the combustion temperature, inlet and exhaust gas temperatures and control device efficiency, as appropriate, pursuant to N.J.A.C. 7:27-26.3(e);

3. Daily hours of operation; and

4. All maintenance performed including the date and type of maintenance.

(c) For adhesives, sealants, adhesive primers and sealant primers subject to the laboratory testing exemption pursuant to N.J.A.C. 7:27-26.4(a)1, the person conducting the testing shall make and maintain records of all such materials used, including, but not limited to, the product name, the product category of the material or type of application and the VOC content of each material.

(d) Each record made to determine compliance with this subchapter shall be maintained for five years from the date such record is created and shall be made available to the Department within 90 days of a request.

7:27-26.6 Compliance procedures and test methods

(a) Except as provided in (c), (d) and (e) below, the VOC and solids content of all non-aerosol adhesives, adhesive primers and cleanup solvents shall be determined using either:

1. EPA Reference Method 24, Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, as identified in 40 CFR 60, Appendix A, as supplemented or amended, and incorporated herein by reference;

2. SCAQMD Method 304-91, Determination of Volatile Organic Compounds (VOC) In Various Materials, as supplemented or amended, and incorporated herein by reference, available in "Laboratory Methods of Analysis for Enforcement Samples" which can be viewed or down-

loaded from the South Coast Air Quality Management District (SCAQMD) website at <http://www.aqmd.gov/tao/methods/labmethoc.html> by clicking on the appropriate heading or method listed; or

3. For reactive adhesives, National Emission Standards for Hazardous Air Pollutants, Surface Coating of Plastic Parts and Products, Determination of Weight Volatile Matter Content and Weight Solids Content of Reactive Adhesives, at 40 CFR Part 63 Subpart PPPP, Appendix A, incorporated herein by reference.

(b) The organic content of exempt compounds shall be determined using ASTM D4457-02(2008), Test Method for Determination of Dichloromethane and 1, 1, 1-Trichloroethane in Paints and Coatings by Direct Injection into a Gas Chromatograph, as applicable, as supplemented or amended, and incorporated herein by reference, which is available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959 or from its website at www.astm.org.

(c) The VOC content of any plastic welding cement adhesive or primer shall be determined using SCAQMD Method 316A 92, Determination Of Volatile Organic Compounds (VOC) In Materials Used For Pipes And Fittings, as supplemented or amended, and incorporated herein by reference, available in "Laboratory Methods of Analysis for Enforcement Samples" which can be viewed or downloaded from the South Coast Air Quality Management District (SCAQMD) website at <http://www.aqmd.gov/tao/methods/labmethoc.html> by clicking on the appropriate heading or method listed.

(d) To determine if a diluent is a reactive diluent, the percent of the reactive organic compound that becomes an integral part of the finished materials shall be determined using SCAQMD Method 316A 92, Determination Of Volatile Organic Compounds (VOC) In Materials Used For Pipes And Fittings, as supplemented or amended, and incorporated herein by reference, available in "Laboratory Methods of Analysis for Enforcement Samples" which can be viewed or downloaded from the South Coast Air Quality Management District (SCAQMD) website at <http://www.aqmd.gov/tao/methods/labmethoc.html> by clicking on the appropriate heading or method listed.

(e) The composite vapor pressure of organic compounds in cleaning materials shall be determined by quantifying the amount of each compound in the blend using, as applicable, either:

1. For organics: ASTM E260-96(2006), General Gas Chromatography Procedures, as supplemented or amended, and incorporated herein by reference; or

2. For water content, ASTM D3792-05 Standard Test Method for Water Content of Water-Reducible Paints by Direct Injection into a Gas Chromatograph, as supplemented or amended, and incorporated herein by reference,

and incorporated herein by reference, and the following equation:

$$Pp_c = \frac{\sum_{i=1}^n (W_i)(VP_i)/Mw_i}{W_w/Mw_w + \sum_{i=1}^n W_e/Mw_e + \sum_{i=1}^n W_i/Mw_i}$$

Where:

Pp_c = VOC composite partial pressure at 20 degrees C, in millimeters of mercury (mm Hg)

W_i = Weight of the "i"th VOC compound, in grams, as determined by ASTM E260-96(2006), as supplemented or amended

W_w = Weight of water, in grams as determined by ASTM D3792-05, as supplemented or amended

W_e = Weight of the "i"th exempt compound, in grams, as determined by ASTM E260-96(2006), as supplemented or amended

Mw_i = Molecular weight of the "i"th VOC compound, in grams per g-mole, as given in chemical reference literature

Mw_w = Molecular weight of water, 18 grams per g-mole

Mw_e = Molecular weight of the "i"th exempt compound, in grams per g-mole, as given in chemical reference literature

Vp_i = Vapor pressure of the "i"th VOC compound at 20 degrees C, in mm Hg, as determined by (f) below.

Both of the above ASTM test methods are available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, or from its website at www.astm.org.

(f) The vapor pressure of each single component compound may be determined from ASTM D2879-97, Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isotenoscope, as supplemented or amended, and incorporated herein by reference, which is available from the American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, Post Office Box C700, West Conshohocken, PA 19428-2959, or from its website at www.astm.org, or may be obtained from any of the following sources:

1. The Vapor Pressure of Pure Substances; Boublik, Fried, and Hala; Elsevier Scientific Publishing Company, New York, 1984, as supplemented or amended;

2. Perry's Chemical Engineer's Handbook; McGraw-Hill Book Company, Eighth Edition, 2007, as supplemented or amended;

3. CRC Handbook of Chemistry and Physics; Chemical Rubber Publishing Company, 88th Edition, 2007, as supplemented or amended;

4. Lange's Handbook of Chemistry; John Dean, editor, McGraw-Hill Book Company, 15th Edition, 1998, as supplemented or amended; or

5. Additional sources approved by the SCAQMD or other California air districts.

(g) If air pollution control equipment is used to meet the requirements of this subchapter, the owner or operator shall make the following determinations:

1. The measurement of capture efficiency shall be conducted and reported in accordance with the EPA Technical Document "Guidelines for Determining Capture Efficiency," issued January 9, 1995, as supplemented or amended and incorporated by reference herein, which is available from the USEPA's Office of Air Quality Planning and Standards, Emission Monitoring and Analysis Division, Research Triangle Park, NC 27711; and

2. The control efficiency shall be determined in accordance with one of the following:

i. EPA Method 25, 40 CFR 60, Appendix A, - Determination of Total Gaseous Non-Methane Organic Emissions as Carbon, as supplemented or amended and incorporated by reference herein;

ii. EPA Reference Method 25A, 40 CFR 60, Appendix A, Determination of Total Gaseous Organic Concentration Using a Flame Ionization Analyzer, as supplemented or amended and incorporated by reference herein;

iii. EPA Reference Method 25B, 40 CFR 60, Appendix A, Determination of Total Gaseous Organic Concentration Using a Non-Dispersive Infrared Analyzer, as supplemented or amended and incorporated by reference herein; or

iv. CARB Method 100, Procedures for Continuous Gaseous Emission Stack Sampling, as supplemented or amended and incorporated by reference herein, which can be obtained from CARB, Monitoring and Laboratory, 1927 13th Street, Sacramento, CA 95814, or at http://www.arb.ca.gov/testmeth/VOL1/M_100.PDF.

(h) The active and passive solvent losses from spray gun cleaning systems shall be determined using SCAQMD's "General Test Method for Determining Solvent Losses from Spray Gun Cleaning Systems," dated October 3, 1989, as supplemented or amended, and incorporated herein by reference, available from South Coast Air Quality Management District (SCAQMD), 21865 Copley Dr, Diamond Bar, CA

91765, and at [http://yosemite.epa.gov/R9/R9Testmethod.nsf/0/4C22DA95566CEFE78825708F006010EC/\\$file/SC%20Sol%20LossSprayGun.pdf](http://yosemite.epa.gov/R9/R9Testmethod.nsf/0/4C22DA95566CEFE78825708F006010EC/$file/SC%20Sol%20LossSprayGun.pdf). The test solvent for this determination shall be any lacquer thinner with a minimum vapor pressure of 105 mm of Hg at 20 degrees Celsius, and the minimum test temperature shall be 15 degrees Celsius.

(i) For adhesives, sealants and primers, with the exception of low solids adhesives, sealants and primers, that do not contain reactive diluents, grams of VOC per liter of adhesive, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of adhesive} = \frac{W_s - W_w - W_e}{V_m - V_w - V_e}$$

Where

W_s = weight of volatile compounds, in grams

W_w = weight of water, in grams

W_e = weight of exempt compounds, in grams

V_m = volume of material, in liters

V_w = volume of water, in liters

V_e = volume of exempt compounds, in liters

(j) For adhesives, sealants and primers, that contain reactive diluents, the VOC content of the adhesive is determined after curing. The grams of VOC per liter of adhesive, less water and exempt compounds, shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of adhesive} = \frac{W_{rs} - W_{rw} - W_{re}}{V_{rm} - V_{rw} - V_{re}}$$

Where

W_{rs} = weight of volatile compounds not consumed during curing, in grams

W_{rw} = weight of water not consumed during curing, in grams

W_{re} = weight of exempt compounds not consumed during curing, in grams

V_{rm} = volume of material not consumed during curing, in liters

V_{rw} = volume of water not consumed during curing, in liters

V_{re} = volume of exempt compounds not consumed during curing, in liters

(k) For low-solids adhesives, sealants or primers, grams of VOC per liter of material shall be calculated according to the following equation:

$$\text{Grams of VOC per liter of adhesive} = \frac{W_s - W_w - W_e}{V_m}$$

Where

W_s = weight of volatile compounds, in grams

W_w = weight of water, in grams

W_e = weight of exempt compounds, in grams

V_m = volume of material, in liters

(l) Percent VOC by weight shall be calculated according to the following equation:

$$\% \text{ VOC by weight} = [(W_v / W)] \times 100$$

Where

W_v = weight of VOCs in grams

W = weight of material in grams

7:27-26.7 Container labeling

(a) On and after January 1, 2009, each manufacturer of an adhesive, sealant, adhesive primer or sealant primer subject to this subchapter shall display the following information on the product container or label:

1. A statement of the manufacturer's recommendation regarding thinning, reducing, or mixing of the product, except that:
 - i. This requirement does not apply to the thinning of a product with water; and
 - ii. If thinning of the product prior to use is not necessary, the recommendation must specify that the product is to be applied without thinning;
2. The maximum or the actual VOC content of the product in accordance with N.J.A.C. 7:27-26.6, as supplied, displayed in grams of VOC per liter of product; and
3. The maximum or the actual VOC content of the product in accordance with N.J.A.C. 7:27-26.6, which includes the manufacturer's maximum recommendation for thinning, as applied, displayed in grams of VOC per liter of product.

(b) Except as provided at (c) below, a manufacturer of an adhesive, sealant, adhesive primer or sealant primer subject to this subchapter shall clearly display, on each product package, the day, month, and year in which the product was manufactured, or a code indicating such date (that is, a date-code). The date or date-code shall be located on the

packaging, or inside the cover or cap, so that it is readily observable or obtainable without irreversibly disassembling any part of the packaging, such as by simply removing the cover or cap. Use of the following code to indicate the date of manufacture in compliance with the requirements of this subsection will exempt the manufacturer from the requirements of (c) below, if the code is represented separately from other codes on the product container so that it is easily recognizable:

YY DDD

Where:

"YY" = two digits representing the year in which the product was manufactured, and

"DDD" = three digits representing the day of the year on which the product was manufactured, with "001" representing the first day of the year, "002" representing the second day of the year, and so forth (also known as the "Julian date").

(c) If for any adhesive, sealant, adhesive primer or sealant primer the manufacturer uses a date-code other than the YY DDD format to comply with (b) above, the manufacturer shall submit an explanation of the date portion of the product code to the Department. The explanation shall be submitted with the electronic registration of the date code, in accordance with the requirements of N.J.A.C. 7:27-26.8.

(d) Subsection (c) above does not apply to a product if:

1. The product contains no VOC; or contains 0.10 percent VOC, or less, by weight; or
2. The product is offered to consumers free of charge for the purpose of sampling the product.

7:27-26.8 Registration

(a) The manufacturer of an adhesive, sealant, adhesive primer or sealant primer who uses a date-code other than the YY DDD format as described at N.J.A.C. 7:27-26.7(b) to comply with N.J.A.C. 7:27-26.7(b) shall register that product and an explanation of the date-code with the Department as follows:

1. The registration shall include the following information:
 - i. The name of the manufacturer;
 - ii. The full mailing address of the manufacturer;
 - iii. The name and telephone number of a contact person;
 - iv. The product category and subcategory (as listed in Table 1 at 7:27-26.3) to which the manufacturer's product belongs (for example: sealants:marine deck); and
 - v. An explanation of the date-code system;

2. The registration shall be submitted to the Department on the form provided by the Department at <http://www.state.nj.us/dep/baqp>, and shall be submitted electronically, by email, on diskette, or on CD-ROM, unless:

i. Electronic submission would impose hardship on the manufacturer; and

ii. The Department is satisfied that a hardship exists and approves a written request from the manufacturer to submit the information on paper pursuant to (c) below;

3. The registration shall be submitted in accordance with the following schedule:

i. For an adhesive, sealant, adhesive primer or sealant primer sold in New Jersey prior to January 1, 2009, the registration shall be submitted on or after December 29, 2008, and prior to January 1, 2009; and

ii. For an adhesive, sealant, adhesive primer or sealant primer sold in New Jersey on or after January 1, 2009, that was not sold in New Jersey prior to January 1, 2009, the registration shall be submitted prior to selling the product in New Jersey; and

4. If, subsequent to the submission of a registration, any information provided in the registration changes, the manufacturer shall submit a revised registration including the new information within 90 days of the change.

(b) No information submitted as part of the registration may be claimed to be confidential, including under the procedures set forth at N.J.A.C. 7:27-1.6 through 1.29.

(c) If a manufacturer seeks approval to submit its registration on paper, rather than electronically, the following apply:

1. The manufacturer shall submit the written request to the following address:

Bureau of Air Quality Planning
New Jersey Department of Environmental
Protection
PO Box 418
401 East State Street
Trenton, New Jersey 08625-0418

and the envelope in which the written request is submitted shall be labeled as follows: "Attention: Request for On-Paper Submittal of Adhesives/Sealants Registration";

2. The written request shall include an explanation of the hardship that electronic submission would impose on the manufacturer;

3. Any submittal to the Department other than a registration shall be certified in accordance with N.J.A.C. 7:27-1.39, Certification of information;

4. The Department shall not approve a manufacturer's written request to submit its registration on paper unless the Department is satisfied that electronic submission would impose hardship on the manufacturer; and

5. Once the Department has approved submission of a non-electronic submission, the manufacturer shall send the submission to the address provided at (c)1 above.

SUBCHAPTER 27. CONTROL AND PROHIBITION OF
MERCURY EMISSIONS