

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).

### 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: