

Case Notes

DEP complied with all Federal and State statutory and regulatory provisions in issuance of permit. In the Matter of NJPDES Permit No. N.J. 0055247, et al., 216 N.J.Super. 1, 522 A.2d 1002 (App.Div.1987) certification denied 108 N.J. 185, 527 A.2d 1390 (1987).

7:27-22.14 General operating permits

(a) The Department may promulgate a rule to issue one or more general operating permits, pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-2 et seq. The Department may also publish a technical manual for each general permit, pursuant to N.J.S.A. 13:1D-111. The technical manual shall contain the information required under N.J.S.A. 13:1D-111, including, but not limited to, information that details and clarifies the Department's interpretation of standards or other requirements that are not defined by regulation. However, if the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., establishes an alternative procedure for issuing general permits without rulemaking under the Administrative Procedure Act, the Department will issue general permits in accordance with that procedure. Otherwise, in issuing a general permit, the Department shall comply with:

1. The Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.;
2. The public comment procedures set forth at N.J.A.C. 7:27-22.11;
3. EPA comment procedures set forth at N.J.A.C. 7:27-22.12;
4. Any other procedural requirements related to the issuance of an operating permit; and
5. N.J.S.A. 13:1D-111.

(b) In accordance with the procedures set forth in this section, an owner or operator may apply to the Department for authorization under a general operating permit to operate any source operation, group of source operations, or facility which meets the applicability criteria set forth in a general operating permit issued by the Department. A separate application for a preconstruction permit is not required. Approval of the general operating permit shall also constitute preconstruction permit approval. If the general operating permit applies to the entire facility, the general operating permit may serve as the operating permit for the facility. If the general operating permit applies to a part of the facility, the general operating permit may serve as a component of the operating permit for the facility.

(c) A general operating permit is available for the following sources:

1. Equipment in which the combined weight of all raw materials used exceeds 50 pounds in any one hour, in accordance with paragraph 6 in the definition of "significant source operation" N.J.A.C. 7:27-22.1, provided the emissions of all air contaminants are less than the reporting threshold specified in the General Operating Permit. In

determining the weight of the raw materials used, the weight of the following shall be excluded, in accordance with subparagraph 6ii in the definition of "significant source operation" in N.J.A.C. 7:27-22.1:

- i. Air;
 - ii. Water;
 - iii. Containers, provided that the container is not consumed as part of the operation of the equipment; and
 - iv. Paper, metal, or plastic that is twisted, bent or folded, in the equipment, provided that the twisting, bending, or folding does not cause visible emissions or air pollution;
2. Combined heat and power (CHP) combustion turbines, as follows:
 - i. A single CHP combustion turbine, with or without a duct burner, that has a maximum heat input rate, including any duct burner heat input, less than or equal to 65 MMBTU/hr; or
 - ii. Multiple CHP combustion turbines, with or without duct burners, that have a combined total maximum heat input rate, including any duct burner heat input, less than or equal to 65 MMBTU/hr; and
 3. Combined heat and power (CHP) stationary spark ignition reciprocating engines, as follows:
 - i. A single CHP stationary spark ignition reciprocating engine, with or without a duct burner, that has a maximum heat input rate, including any duct burner heat input, less than or equal to 65 MMBTU/hr; or
 - ii. Multiple CHP stationary spark ignition reciprocating engines, with or without duct burners, that have a combined total maximum heat input rate, including any duct burner heat input, less than or equal to 65 MMBTU/hr.
- (d) In an application for authorization to operate under a general operating permit, the owner or operator shall demonstrate how the facility or portion thereof:
1. Meets the applicability criteria set forth in the general operating permit; and
 2. Will comply with all of the conditions of the general operating permit.
- (e) The Department shall grant a facility's request to operate under a general operating permit without repeating the public and EPA comment procedures specified in (a) above if the general operating permit includes applicable requirements for all relevant source operations at the facility.
- (f) A permittee shall operate a facility, or any portion thereof, for which authorization to operate under a general operating permit has been obtained from the Department,

according to the terms and conditions of the general operating permit.

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: General operating permit 001—drycleaning operation.

See: 35 N.J.R. 3721(a).

Public Notice: Small Emitter General Permit (SEGAP)(GOP-002).

See: 36 N.J.R. 4543(b).

Administrative change.

See: 37 N.J.R. 4912(a).

Public Notice: Opportunity for Public Comment: Draft General Operating Permit.

See: 42 N.J.R. 2640(a), 2641(a).

Administrative change and Announcement of General Permit (GP-021) and General Operating Permit (GOP-005).

See: 43 N.J.R. 2523(a).

Administrative change and Announcement of General Permit (GP-022) and General Operating Permit (GOP-006).

See: 43 N.J.R. 2524(a).

7:27-22.15 Temporary facility operating permits

(a) The Department may issue an operating permit to an owner or operator of a temporary facility which authorizes operation in more than one location during the term of the operating permit, provided that all locations at which the facility may be operated are listed in the operating permit.

(b) An operating permit issued for a temporary facility shall require the permittee to:

1. Comply with all applicable requirements at all locations at which the temporary facility is operated;
2. Comply with all other applicable provisions of this chapter; and
3. Provide written notice, received at least 10 days in advance of each change in location, to:
 - i. The mayor of the municipality, or if there is no mayor, the governing body of the municipality to which the facility will be moved;
 - ii. The board of chosen freeholders or other governing body of the county to which the facility will be moved;
 - iii. The local health agency, certified pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21 et seq. (CEHA), and its implementing regulations, N.J.A.C. 7:1H, in the county to which the facility will be moved; and
 - iv. The Department at the address given at N.J.A.C. 7:27-22.3(t) and the address given below:

Department of Environmental Protection
Division of Air and Hazardous Materials
Enforcement
401 East State Street, 4th Floor East
Mail Code 401-04B
P.O. Box 420
Trenton, NJ 08625-0420.

(c) The notice required pursuant to (b)3 above shall include:

1. The location being vacated;
2. The location to which the facility will be moved;
3. The name, address, and telephone number of the permittee;
4. The Department assigned permit number, which identifies the operating permit; and
5. As to the local officials identified in (b) above, a copy of the operating permit.

(d) An operating permit issued for a temporary facility shall not relieve any person from the obligation to comply with any provision of this chapter, to obtain any other necessary authorization from other governmental agencies, or to comply with all other applicable Federal, State, and local laws, rules or regulations.

(e) In accordance with N.J.A.C. 7:27-22.29(g), a facility subject to EPA's acid deposition control program pursuant to Title IV of the CAA, 42 U.S.C. § 7651 et seq., shall not be eligible for a temporary facility operating permit.

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).

Administrative change.

See: 43 N.J.R. 2328(a).

7:27-22.16 Operating permit contents

(a) The Department will include in each operating permit, drafted for, or issued to, a facility, emission limitations and standards, including any operational requirement necessary to assure compliance with all applicable requirements which apply to a source operation or a group of source operations or to the facility as a whole at the time of permit issuance.

(b) For each significant source operation at the facility, or, if applicable, for each group of source operations or for the entire facility, the operating permit shall:

1. Specify each applicable requirement and each associated permit condition, including any emission limitations and standards and any operational requirements;
2. Cite to the specific legal authority, including any State or Federal rule or regulation or any permit, which establishes the applicable requirement and any associated permit conditions;
3. Identify any difference in form between the permit condition and the applicable requirement upon which the permit condition is based;
4. Specify the compliance assurance method (including a reference, if applicable, to where the method is published) required to be used to determine compliance with the permit condition; and