



## State of New Jersey

CHRIS CHRISTIE  
*Governor*

### DEPARTMENT of ENVIRONMENTAL PROTECTION

Division of Air Quality  
Bureau of Air Permits  
MAILCODE: 401-02

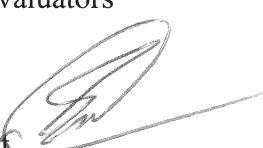
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BOB MARTIN  
*Acting Commissioner*


KIM GUADAGNO  
*Lt. Governor*

### MEMORANDUM

TO: Air Quality Permitting Supervisors and Evaluators  
Air Compliance and Enforcement Staff

THROUGH: Edward Choromanski, Director  
Air and Hazardous Materials Enforcement 

THROUGH: William O'Sullivan, P.E. Director  
Air Quality Program 

FROM: John Preczewski, P.E., Assistant Director  
Air Quality Permitting Program 

SUBJECT: Permit Applicability for Equipment and Source Operations Operated During  
Construction, Repair and Maintenance Events

DATE: August 4, 2011

The following are clarifications to the Air Quality Permitting rules N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22. These clarifications describe long standing practices used in the Air Quality Permitting Program and Air Compliance and Enforcement. If necessary, these rule clarifications will be proposed as amendments to the Air Quality Permitting rules N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22. Notwithstanding the above, air permit applicability for portable equipment or portable source operations associated with conducting "repair and maintenance" is to be considered in the same manner as that currently applied to construction activities where air quality permits are not required.

This clarification is limited to the following equipment and source operations:

1. Equipment used to conduct construction, repair and/or maintenance (CRM) activities, provided that equipment:
  - A. Is portable<sup>1</sup>;

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<sup>1</sup>For purposes of this memorandum, portable means not attached to a foundation, and designed and capable of being carried or moved from one location to another by means of wheels, skids, carrying handles, dolly, trailer, platform, or similar device.

- B. Is located on site no longer than one year; or
2. Equipment used to temporarily replace source operations shutdown as part of CRM activities, provided the temporary replacement source operation:
- A. Is portable;
  - B. Is located on site no longer than 90 days;
  - C. Does not emit any air contaminant in excess of the State of the Art (SOTA) thresholds in N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22;
  - D. Is not moved from one location to another in an attempt to circumvent “2.B.” above;
  - E. Prior to operating, is listed in an electronic notification to the Regional Air Enforcement Office, where that notification:
    - i. Describes the CRM activity, including the expected duration and start date;
    - ii. Lists the temporary replacement source operation;
    - iii. Lists the shutdown source operation being replaced;
    - iv. States the replacement equipment will not emit any air contaminant in excess of the State of the Art (SOTA) thresholds in N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22;
    - v. Attests that the replacement equipment will remain in compliance with all other applicable State or Federal air pollution requirements;
    - vi. Affirms the replacement source will not exceed the 90 day residency limit in “2.B.” above and will not be moved from one location to another in an attempt to circumvent the residency requirement; and
    - vii. Provides a statement, certified in accordance with N.J.A.C. 7:27-1.39, and signed by the responsible official, as defined at N.J.A.C. 7:27-1.4, that affirms that the replacement equipment meets all of the criteria listed in “i.” through “vi.” above; and
  - F. The Regional Air Enforcement Office is notified within 30 days after ceasing operation of temporary replacement equipment or source operations, through the submittal of an electronic notification that:
    - i. Describes the replacement equipment that was operated as part of the CRM activity, including total duration and the completion date of the CRM activity;
    - ii. Lists the total emissions for each piece of replacement equipment operated;
    - iii. Attests that the replacement equipment remained in compliance with all other applicable State or Federal air pollution requirements;
    - iv. Affirms the source did not exceed the 90 day residency limit in “2.B.” above and was not moved from one location to another in an attempt to circumvent the residency requirement; and

- v. Provides a statement, certified in accordance with N.J.A.C. 7:27-1.39, and signed by the responsible official, as defined at N.J.A.C. 7:27-1.4, that affirms that the equipment meets all of the criteria listed in “i.” through “iv.” above.

In either case the source operation which is being constructed or repaired is still subject to permitting if applicable.