

# **General Procedures for General Operating Permits**

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## **I. INTRODUCTION**

- (a) “General Procedures for General Operating Permits” are provisions that apply to all General Operating Permits. This document lists and describes administrative procedures that are necessary in order to obtain a General Operating Permit. It also lists regulatory requirements and procedures that apply in whole or part to all General Operating Permits. It is therefore imperative that the owner or operator reviews, understands and incorporates all applicable requirements and procedures relevant to the selected General Operating Permit.
- (b) “General Operating Permit” means a standardized Operating Permit, which may be used to provide authorization to construct and operate numerous similar source operations or groups of source operations, each of which meets the applicability criteria set forth in the General Operating Permit, and is issued pursuant to the procedures in N.J.A.C. 7:27-22.14.
- (c) In accordance with the procedures set forth in N.J.A.C. 7:27-22.14, an owner or operator with an Approved Operating Permit may apply to the Department for authorization under a General Operating Permit to operate any source operation or group of source operations which meets the applicability criteria set forth in a General Operating Permit issued by the Department. Approval of the General Operating Permit shall also constitute preconstruction permit approval. If the General Operating Permit applies to a part of the facility, the General Operating Permit will serve as a component of the Operating Permit for the facility.
- (d) Any applicant who, pursuant to N.J.A.C. 7:27-22.14, seeks to include as a component of the Operating Permit for the facility, one or more General Operating Permits, shall specify the General Operating Permit(s) proposed to be included, identify each source operation to which the General Operating Permit would apply, and meet all other General Operating Permit Application requirements set forth at N.J.A.C. 7:27-22.14. The conditions of such General Operating Permit, if applicable, will be incorporated into the compliance plan section of the Operating Permit for the facility.
- (e) By electing to register a source under a General Operating Permit the owner or operator of the source avoids the processing time inherent in a case-by-case review. The owner or operator may begin to construct and/or operate the source under the terms of the General Operating Permit as soon as the “Effective Date of Registration” has been set. See Section V, “Registration and Administrative Completeness” for a description of how this date can be set.
- (f) Failure to meet all of the applicable requirements included in the General Procedures for General Operating Permits or the applicable requirements of the General Operating Permit will result in the General Operating Permit being null and void and installation or operation of equipment under the General Operating Permit will subject the facility to appropriate enforcement action.

## II. DEFINITIONS

**“Applicable Federal Requirement”** means any of the following standards, provisions or requirements as they apply to any source operation in a facility which is subject to this subchapter. Applicable requirements include requirements that have been promulgated or approved by EPA through rulemaking but have future-effective compliance dates:

1. Any standard or other requirement provided for in New Jersey's approved SIP (or FIP, if applicable), including any approved revisions;
2. Any term or condition of any preconstruction permits issued pursuant to regulations approved or promulgated through rulemaking under Title I of the CAA, including Parts C or D;
3. Any NSPS or other standard or requirement under 42 U.S.C. § 7411 including 42 U.S.C. § 7411(d);
4. Any standard or other requirement concerning HAPs under 42 U.S.C. § 7412, including any requirement concerning accident prevention under 42 U.S.C. § 7412(r)(7);
5. Any standard or other requirement of the acid deposition control program under Title IV of the CAA or the regulations promulgated there under;
6. Any requirement established pursuant to the provisions for monitoring in Title V of the CAA at 42 U.S.C. § 7661c(b) or pursuant to the monitoring requirements at 42 U.S.C. § 7414(a)(3);
7. Any standard or other requirement governing solid waste incineration under 42 U.S.C. § 7429;
8. Any standard or other requirement for consumer and commercial products under 42 U.S.C. § 7511b(e);
9. Any standard or other requirement for marine tank vessels under 42 U.S.C. § 7511b(f);
10. Any standard or other requirement of the program to prevent or control the emission of air contaminants from outer continental shelf sources under 42 U.S.C. § 7627;
11. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the CAA, unless EPA has determined that such a requirement need not be contained in an operating permit;
12. Any of the following, but only as it would apply to temporary facilities permitted pursuant to the provisions for temporary facilities at 42 U.S.C. § 7661c(e):
  - i. A NAAQS; or
  - ii. An increment under the PSD provisions at 42 U.S.C. § 7473; or
  - iii. A visibility requirement under 42 U.S.C. § 7491 or 7492.

**“Application shield”** means the protection from enforcement action set forth at N.J.A.C. 7:27-22.7.

**“General operating permit”** means a standardized operating permit, which may be used to provide authorization to construct and operate numerous similar source operations, groups of source operations, or facilities, each of which meets the applicability criteria set forth in the general operating permit, and is issued pursuant to the procedures in N.J.A.C. 7:27-22.14.

**“General permit”** means a type of standardized permit and certificate, issued by the Department under N.J.A.C. 7:27-8.8.

**“Hazardous air pollutant” or “HAP”** means an air contaminant listed in or pursuant to 42 U.S.C. § 7412(b).

**“MACT standard” or “Maximum Achievable Control Technology standard”** means a National Emission Standard for a Hazardous Air Pollutant for source operations as promulgated under 40 CFR Part 63.

**“NESHAP”** means a National Emission Standard for a Hazardous Air Pollutant as promulgated under 40 CFR Part 61 or 40 CFR Part 63.

**“NSPS”** means Standards of Performance for new stationary sources as promulgated under 40 CFR Part 60, commonly referred to as New Source Performance Standards.

**“Operating permit”** means the permit described in Title V of the federal Clean Air Act, 42 U.S.C. § 7661 et seq., and in N.J.A.C. 7:27-22. This term shall include a general operating permit which is applicable facility wide, but does not include a general operating permit which applies only to a part of a facility. Where a general operating permit applies only to a part of a facility, the general operating permit shall be incorporated into the operating permit. This term also includes an operating permit issued for a temporary facility; for a facility subject to a MACT or GACT standard pursuant to N.J.A.C. 7:27-22.26; or for a component of a facility pursuant to N.J.A.C. 7:27-22.5(j).

**“Preconstruction permit”** means a "Permit to Construct, Install or Alter Control Apparatus or Equipment" issued by the Department pursuant to N.J.S.A. 26:2C-1 et seq., in particular N.J.S.A. 26:2C-9.2, and implementing rules at N.J.A.C. 7:27-8.

**“Prevention of significant deterioration” or “PSD”** means the requirements pursuant to 40 CFR 52.21, administered through the Department’s permitting process, which apply to a new or modified major facility located in an attainment area. The Department accepted delegation of the administration of the PSD program from EPA on February 22, 1983.

**“Responsible Official”** means one of the following:

1. For a corporation:
  - i. A president, secretary, treasurer, or vice-president of the corporation, who is in charge of a principal business function;
  - ii. Any other person who performs similar policy or decision-making functions for the corporation; or
  - iii. A duly authorized representative of the person in 1i or ii above, if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a preconstruction permit or certificate, or an operating permit, and either:
    - (1) The facilities for which the representative is responsible employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
    - (2) The delegation of authority to the representative is approved in writing in advance by the Department;
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
3. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this subchapter, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (for example, a Regional Administrator of EPA); or
4. For affected facilities under Title IV of the Clean Air Act:
  - i. The designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the Clean Air Act or the regulations promulgated there under are concerned; and
  - ii. The designated Title IV representative for any other purposes under 40 CFR Part 70.

**"Volatile organic compound"** or **"VOC"** means a volatile organic compound as that term is defined by the EPA at 40 CFR 51.100(s), as supplemented or amended, which is incorporated by reference herein.

### III. AVAILABLE GENERAL OPERATING PERMITS

To view the requirements of all available general operating permits, go to the Department's website at [www.nj.gov/dep/aqpp/gop.html](http://www.nj.gov/dep/aqpp/gop.html).

### IV. GENERAL OPERATING PERMIT LIMITATIONS AND REQUIREMENTS

- (a) Pursuant to N.J.A.C. 7:27-22, any person who wishes to construct, install and operate equipment under the authority of the General Operating Permit may register for the General Operating Permit only if the piece of equipment meets the APPLICABILITY requirements listed in the General Operating Permit.
- (b) The conditions of a General Operating Permit cannot be changed. If a change to a source operation with a General Operating Permit is needed, then the Permittee must request the change through the Title V Operating Permit modification procedures in N.J.A.C. 7:27-22.
- (c) A facility with an expired Title V Operating Permit without an Application Shield pursuant to N.J.A.C. 7:27-22.7 may not register for the use of a General Operating Permit.
- (d) General Operating Permits may only be used for equipment not currently listed in an approved Title V Operating Permit. Facilities that will be getting a Title V Operating Permit in the future, or those that are in the process of getting a Title V Operating Permit, may use General Permits from N.J.A.C. 7:27-8 (Subchapter 8) until they obtain an approved Title V Operating Permit.
- (e) General Operating Permits may not be used where annual emissions of any air contaminant from the General Operating Permit would increase emissions from the facility by such amounts that would make the facility subject to the requirements of N.J.A.C. 7:27-18 (Emission Offset Rule), 40 CFR 51 Appendix S (Emission Offset Interpretative Ruling), 40 CFR 52.21 (PSD) or make the facility a major source for HAPs as defined in 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).
- (f) Any facility with an approved Title V Operating Permit that obtains General Operating Permit(s) must determine based on its own evaluation that none of the General Operating Permit(s) obtained would cause the facility to be subject to N.J.A.C. 7:27-18 (Emission Offset Rule), 40 CFR 51 Appendix S (Emission Offset Interpretative Ruling), 40 CFR 52.21 (PSD) or make the facility a major source for HAPs as defined in 40 CFR 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories). The basis for this determination must be kept on site and submitted with the next Title V Operating Permit modification application that increases actual emissions or Renewal Application, whichever occurs first. If found that the General Operating Permit has caused the facility to be subject to the above regulations, the authorization contained in the General Operating Permit is null and void and installation of equipment under this General Operating Permit will subject the facility to appropriate enforcement action.

- (g) The general requirements in the facility's Title V Operating Permit, such as those in the General Provisions and Authorities Section and Subject Item FC of the Compliance Plan, also apply to the source operation covered by this General Operating Permit. This includes, but is not limited to, the six month deviation report and annual compliance certification.
- (h) The expiration date of the General Operating Permit will be the expiration date of the facility's approved Title V Operating Permit. If the Title V Operating Permit has expired and has an application shield pursuant to N.J.A.C. 7:27-22.7, the conditions of the General Operating Permit remain enforceable until the Title V Operating Permit is renewed.
- (i) The General Operating Permit will be incorporated in the facility's Title V Operating Permit the first time the Title V Operating Permit is opened for a modification that proposes an increase in actual emissions, or at renewal, whichever occurs first. The General Operating Permit will be merged into the Title V Operating Permit at that time.

## V. REGISTRATION AND ADMINISTRATIVE COMPLETENESS

The authority to act under a General Operating Permit begins on the Effective Date of Registration. The Effective Date of Registration can be established two ways:

### (a) On-line Submittals (e-portal)

The owner or operator shall submit online through an internet-based electronic submission (e-portal), once available, by using the website at [www.nj.gov/dep/online](http://www.nj.gov/dep/online). The effective Date of Registration is established on the date the Registration is completed successfully on line, including payment of the registration fee. A GOP becomes effective only when the registration fee is paid by the applicant. The owner or operator shall submit the fee on-line via credit card, e-check, or any other acceptable payment form listed on the website. A General Operating Permit Registration Form shall not be deemed complete, and no activity shall be authorized by the General Operating Permit, unless the Registration Fee is submitted with the completed General Operating Permit Registration Form.

### (b) Paper Registration

- (1) The owner or operator shall either hand carry or mail a complete Registration Form to the Department, with the registration fee. All sections of that form must be completed (except when the instructions say otherwise), and the form must be signed by the individual with direct knowledge and the Responsible Official. A GOP becomes effective only when the registration fee is paid by the applicant. The Department will send a written acknowledgment receipt of the Registration Form and effective Date of Registration.
- (2) Registration Fee (check, payable to "Treasurer, State of New Jersey"): For the convenience of the owner or operator, the fee amount for the Registration under a General Operating Permit is provided on the Registration Form, whenever appropriate. A General Operating Permit Registration Form shall not be deemed complete, and no activity shall be authorized by the General Operating Permit, unless the Registration Fee is submitted with the completed General Operating Permit Registration Form.

- (3) A completed Registration Form, (R-GOP-....) and Registration Fee, shall be sent to the Department at:  
N.J. Department of Environmental Protection  
Bureau of Stationary Sources  
P.O. Box 420  
Mail Code 401-02  
401 East State Street Trenton, NJ 08625-0420

A General Operating Permit will be deemed administratively complete by submitting a complete Registration Form and appropriate Registration Fee.

## **VI. GENERAL PROVISIONS**

- (a) When applying for a General Operating Permit, the Registration Form cannot be used to make Administrative changes pursuant to N.J.A.C. 7:27-22.20. A separate Title V Operating Permit Administrative Amendment Application must be submitted to the Department to make Administrative changes.
- (b) General Operating Permits issued under N.J.A.C. 7:27-22 are based on emissions of air contaminants only and do not in any way relieve the Permittee from the obligation to obtain necessary permits from other governmental agencies and to comply with all other applicable Federal, State and local rules and regulations.
- (c) The Department issues the General Operating Permit on the basis of the equipment descriptions and operating procedures in the General Operating Permit application. If the final design and operation of the equipment differ from those presented, the General Operating Permit becomes invalid.
- (d) The General Operating Permit approval shall not be construed as superseding any of the terms and conditions of any Administrative Order or any Administrative Consent Order issued by the state or federal regulatory authorities to the Permittee.
- (e) The General Operating Permit is not transferable from the facility authorized in the Registration to another facility, or from any one piece of equipment or control apparatus to another.
- (f) It is recommended that the Permittee contact the Regional Enforcement Office for guidance and corrective action as soon as the Permittee anticipates exceedance of any permit specified limits including, but not limited to hours of operation, fuel usage, or types and amounts of materials processed.
- (g) Monitoring, recordkeeping, reporting, and certification requirements (e.g. fuel limits and/or hours of operation) shall be based on calendar years unless otherwise stated in the Compliance Plan in each General Operating Permit.
- (h) Equipment included in any General Operating Permit and any associated emissions must be included in the annual emission statement of the Title V facility pursuant to N.J.A.C. 7:27-21.



- (i) These General Procedures may be revised without prior notice. However, General Operating Permits will only be changed after public notice and comment. For any questions regarding General Operating Permits contact (609) 633-8248.
- (j) At the request of the Department, the owner or operator shall demonstrate how the facility meets the applicability criteria set forth in the General Operating Permit and how the facility will comply with all of the conditions of the General Operating Permit.

## **VII. OTHER**

- (a) The owner or operator must keep a copy of the General Operating Permit and Registration Form along with their approved Title V Operating Permit on site.
- (b) General Operating Permits must be included with the Operating Permit Renewal Application.
- (c) If the General Operating Permit replaces an existing piece of equipment, a separate Operating Permit Modification Application must be filed to remove the existing equipment.

## **VIII. REGIONAL ENFORCEMENT OFFICES**

If a permit applicant is not sure if a source operation needs a permit, see <http://www.nj.gov/dep/easyaccess/compenf.htm> for a list of the Department's Regional Enforcement Offices.