



COMMON CONTROL

SELF-DECLARATION FORM

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF AIR QUALITY

BUREAU OF STATIONARY SOURCES



WHAT IS COMMON CONTROL?

Definition of by NJDEP Rule:

- **“Facility”** means the combination of all structures, buildings, equipment, control apparatus, storage tanks, source operations, and other operations that are located on a single site or on contiguous or adjacent sites and that are under common control of the same person or persons. N.J.A.C. 7:27-8.1

THE REASON FOR THE COMMON CONTROL SELF-DECLARATION FORM?

- Companies that co-exists on a single, contiguous, or adjacent site may be require certification that they are not related or share operations.
- At times for business, tax, or company purposes, a facility may decide to subdivide their facility. However based on the definition of a facility, the Department still considers them to be one facility because of their common control.
- Larger facilities may have collectively greater emissions which may require them to be subject to State and Federal rules and regulations. These types of facilities would need an operating permit (Title V) as opposed to a pre-construction permit.

Simple Difference between being a major Facility and Minor Facility



IF YOUR COMBINED EMISSIONS FOR YOUR ENTIRE FACILITY EXCEED ANY OF THE FOLLOWING AIR CONTAMINANTS (TONS PER YEAR) THRESHOLDS, YOUR FACILITY IS CONSIDERED A MAJOR FACILITY

Carbon Monoxide	100
TSP	100
PM-10	100
Sulfur Dioxide	100
VOC	25
NO _x	25
Lead	10
Any HAP	10
All HAPs Collectively	25
Any Other Air Contaminant, except CO ₂	100

WHAT'S ON THE FORM?

- The form asks for the your facility name and Program Interest Number (if one was generated)
- Then there are four questions that would help determine NON common control.

Does this facility share common workforces, plant managers, any corporate executive officers OR any board members with the other facility?

Does this facility share production equipment OR pollution control equipment with the other facility?

If there are any contractual or other arrangements between this facility and the other facility (other than a lease), does the contract or arrangements provide operational control, financial control, exclusive supply and/or exclusive acceptance of all raw material except offsite utilities (gas, water, electric), or expansion decision rights for one party over the other?

Is there any contract or other arrangement with a third party or parties that effectively links this facility and the other facility to a common source of control by the same person or persons?


WHAT'S ON THE FORM?

Certification of a Responsible Official (N.J.A.C 7:27 I-4) including:

- Responsible Official's Signature
- Responsible Official's Title
- Date Signed
- Telephone and Email

BASED ON YOUR ANSWERS

If a facility answers “Yes” to any of the questions, you will be considered an operation that is under common control of the already permitted facility at that location.

- The Department may determine whether you are major or minor facility.
 - You will not get a separate Program Interest number for your operation.
 - You must apply for any permits under the existing Program Interest number at that location.
 - Permits should be certified by the existing Responsible Official at that site.
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BASED ON YOUR ANSWERS

If a facility answers “No” to all of the questions, your operation that co-exists with another operation, will be considered a separate entity.

- You will get a separate Program Interest number for your operation.
- You would apply for any permits under the newly created Program Interest number.
- Certification should be made by a Responsible Official of your operation only.

TO WHOM DO YOU SEND THE FORM?

If you are at the beginning of the process of applying for an Program Interest ID, you would send the form to AIRDMG@dep.nj.gov along with you Facility ID Request form.

If your permit writer, enforcement officer, or county inspector requests that you complete the form, simply return the form to that individual. They would make sure that it is processed.

QUESTIONS

