



UPDATE

Making You Aware of Incentives and Compliance Assistance Opportunities

Compliance & Enforcement

Issued: November 2011

#2011-17

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

What is this notification about?

The purpose of this notification is to provide clarification to the Air Quality Permitting rules N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22 regarding air permit applicability for portable equipment or portable source operations associated with conducting "repair and maintenance". Air permit applicability is to be considered in the same manner as that currently applied to construction activities where air quality permits are not required.

What Equipment or Sources are affected?

The following equipment and source operations are affected:

1. Equipment used to conduct construction, repair and/or maintenance (CRM) activities, provided that equipment:
 - A. Is portable – For this purpose, 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 not located on site for 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 and described in 1.A above;
 - 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;

When must I submit a Notification?

1. CRM INITIAL NOTIFICATION

If your CRM activity falls into category #2 above (temporary replacement of source operation), prior to operating, you must submit 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;

COMPLIANCE ADVISORY

- vi. Affirms the replacement source will not exceed the 90 day residency limit 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.

The above electronic notification can be found by clicking on the link below:

https://www11.state.nj.us/DEP_RSP/Orchestrate.do?initiate=true&orchestrationId=Core-Documents

Once you click on the above link, go to the “Enforcement” subheading, under Construction, Repair and Maintenance (CRM), select the document “CRM Initial Notification”. Download this document, follow the instructions in the form, complete, sign and submit to the appropriate Regional Enforcement Office as instructed.

2. CRM FINAL NOTIFICATION

Once the CRM activity has ended, you must notify the Regional Enforcement Office 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 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.

The above electronic notification can be found by clicking on the link below:

https://www11.state.nj.us/DEP_RSP/Orchestrate.do?initiate=true&orchestrationId=Core-Documents

Once you click on the above link, go to the “Enforcement” subheading, under Construction, Repair and Maintenance (CRM), select the document “CRM Final Notification”. Download this document, follow the instructions in the form, complete, sign and submit to the appropriate Regional Enforcement Office as instructed.

Where can I get more information?

If you need to talk to a NJDEP representative, please call:

(973) 656-4444 if you are in Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union and Warren counties

(609) 292-3187 if you are in Burlington, Mercer, Middlesex, Monmouth, and Ocean counties

(856) 614-3601 if you are in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem counties

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.