



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Air Enforcement

#2025-02

Issued: 01/23/2025

Permit Language Clarification

Title V Air Operating Permit Stack Testing Every 5-years

WHO IS AFFECTED BY THIS ADVISORY?

All holders of current and expired Title V Operating Permits (permittees) subject to the requirements of N.J.A.C. 7:27-22 et seq.

WHY IS NJDEP ISSUING THIS ADVISORY?

To clarify the new General Provisions language that defines stack testing every 5 years in Title V Operating Permits.

NEW LANGUAGE BEING ENTERED IN TITLE V AIR PERMITS?

The new language currently being put in Air Operating Permit General Provisions defines testing every 5 years as follows:

“Testing every 5 years shall be defined as no later than the end of the 60th month after the first required and each subsequent stack test was completed for the new or modified source.”

To ensure consistency in how this will be interpreted, the Division of Air Enforcement (DAE) is clarifying that the initial stack test will establish the **“ANCHOR POINT”** from which all future (5-year) test deadlines are to be determined, the end of the 60th month after this initial test date, and every five years from this date moving forward.

For example, if the initial test is conducted on October 1, 2024, then the first 5-year test is due on October 31, 2029, the second 5-year test is due on October 31, 2034, and so on.

Conducting a subsequent 5-year stack test early or late does not change the 5-year test deadline anchor, nor would additional tests that are conducted pursuant to an Enforcement Action. However, with the approval of the applicable DAE Regional Enforcement Office, an additional test may also be counted as the next 5-year test if the test is conducted within 18 months of the next 5-year test due date, and this additional test satisfies all requirements of the 5-year test.

SIGNIFICANT MODIFICATION AND TESTING DATES?

A test required by a Significant Modification will act as a new initial test and establish a new “ANCHOR POINT” following the procedures above if this test is also a comprehensive test that covers all requirements of a 5-year test.

EXISTING OR EXPIRED TITLE V AIR PERMITS?

Existing Permits without the new language will continue to follow the deadlines in their Permits, and if the Permit is expired, will follow the deadlines in the 2022 Compliance Advisory that can be found [here](#). To address the transition from the prior 5-year testing language in Permits (based on the BOP expiration date) to the current language referenced above, the “ANCHOR POINT” will be established by the date of the most recent 5-year test conducted prior to the change in testing language.

WHO SHOULD I CONTACT WITH QUESTIONS?

NJDEP Emission Measurement Section (EMS)	609-984-3443 BTS@dep.nj.gov
Air Compliance and Enforcement - Northern Field Office Covering Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren, and Union Counties	973-656-4444 AirCE-Northern@dep.nj.gov
Air Compliance and Enforcement – Central Field Office Covering Burlington, Mercer, Middlesex, Monmouth, and Ocean Counties	609-292-3187 AirCE-Central@dep.nj.gov
Air Compliance and Enforcement – Southern Field Office Covering Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties	856-614-3601 AirCE-Southern@dep.nj.gov

This advisory is intended to be a summary explanation of DEP requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance with these requirements, please contact the Enforcement numbers listed above.