

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

N.J.A.C. 7:27-30
OUTER CONTINENTAL SHELF AIR REGULATIONS

Statutory Authority: N.J.S.A. 13:1B-3, 13:1D-9, 13:1D-134 et seq., 26:2C-1 et seq., Executive Order No. 8 (2018).

Rule effective date: May 4, 2020

Rule expiration date: Exempt, N.J.A.C. 7:27

For regulatory history and effective dates see the New Jersey Administrative Code

TABLE OF CONTENTS

N.J.A.C. 7: 27-30

N.J.A.C. 7:27-30.1	Applicability
N.J.A.C. 7:27-30.2	Incorporation by reference of the Code of Federal Regulations
N.J.A.C. 7:27-30.3	Document availability
N.J.A.C. 7:27-30.4	Definitions
N.J.A.C. 7:27-30.5	General procedures
N.J.A.C. 7:27-30.6	Confidentiality
N.J.A.C. 7:27-30.7	Severability

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

N.J.A.C. 7:27-30.1 Applicability

Upon delegation of authority by the Administrator of the EPA to the Department, this subchapter shall apply to the owner or operator of any OCS source within 25 miles of a state's seaward boundary for which New Jersey is the corresponding onshore area (COA) and to the owner or operator of any OCS source beyond 25 miles of New Jersey's seaward boundary for which New Jersey is the nearest onshore area, as authorized under Section 328 of the Clean Air Act, 42 U.S.C. § 7627, and 40 CFR Part 55.

N.J.A.C. 7:27-30.2 Incorporation by reference of the Code of Federal Regulations

(a) Portions of this subchapter that are incorporated by reference from the CFR shall be understood in the manner set forth in this section.

(b) Unless specifically excluded by this subchapter, when a provision of the CFR is incorporated by reference, all notes, comments, appendices, diagrams, tables, forms, figures, publications, and cross-references are also incorporated by reference.

(c) Supplements, amendments, or other changes including, without limitation, repeals or stays that affect the meaning or operational status of a Federal regulation incorporated by reference, brought about by either judicial or administrative action and adopted or otherwise noticed by the EPA in the Federal Register, shall be paralleled by a similar automatic update to the New Jersey rule so that the New Jersey rule will have the same meaning and status as its Federal counterpart.

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

(d) In the event that there are inconsistencies or duplications in the requirements of the provisions incorporated by reference from the CFR and the rules set forth in this subchapter, the provisions incorporated by reference from the CFR shall prevail.

(e) On or after June 8, 2020, new Federal rules, amendments, supplements, and other changes, brought about through administrative or judicial action, automatically incorporated through the prospective incorporation by reference process shall be effective upon publication in the Federal Register and operative on the date listed by the EPA as the effective date in the relevant Federal Register notice.

(f) The following provisions are incorporated by reference within this subchapter:

1. 40 CFR 55.1 Statutory authority and scope.
2. 40 CFR 55.2 Definitions.
3. 40 CFR 55.3 Applicability.
4. 40 CFR 55.4 Requirements to submit a notice of intent.
5. 40 CFR 55.6 Permit requirements.
6. 40 CFR 55.7 Exemptions.
7. 40 CFR 55.8 Monitoring, reporting, inspections, and compliance.
8. 40 CFR 55.9 Enforcement.
9. 40 CFR 55.10 Fees.
10. 40 CFR 55.13 Federal requirements that apply to OCS sources.
11. 40 CFR 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.
12. 40 CFR 55.15 Specific designation of corresponding onshore areas.

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

13. APPENDIX A PART 55 -- LISTING OF STATE AND LOCAL REQUIREMENTS

INCORPORATED BY REFERENCE INTO PART 55, BY STATE.

N.J.A.C. 7:27-30.3 Document availability

(a) Copies of 40 CFR Part 55, which is incorporated herein by reference, are available for review at gov.ecfr.io.

(b) Copies of 40 CFR Part 55 may also be obtained online by visiting the website of the United States Government Publishing Office at <https://www.govinfo.gov/app/collection/cfr/>.

N.J.A.C. 7:27-30.4 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"CFR" means the United States Code of Federal Regulations.

"EPA" means the United States Environmental Protection Agency.

"NOI" means notice of intent and shall have the meaning provided in 40 CFR 55.4(a).

"OCS" means the outer continental shelf as defined in 40 CFR 55.2.

N.J.A.C. 7:27-30.5 General procedures

(a) Information pertaining to the filing of an NOI, an OCS permit application, including but not limited to a preconstruction permit, an operating permit, and a modification to a permit, as well as a request for an exemption from a control technology, is available on the Department's website at <http://www.nj.gov/dep/aqpp> and at the following address:

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

Department of Environmental Protection
Division of Air Quality
Air Quality Permitting Program
401 East State Street
Mail Code 401-02
PO Box 420
Trenton, New Jersey 08625-0420

The Department's website shall identify the acceptable method(s) of submission of OCS-related materials, which will include one or more of electronic submission, or submission in hard copy.

(b) All applications and other filings, submitted on behalf of an OCS source that would have been required to obtain a permit pursuant to the applicability provisions of N.J.A.C. 7:27-8 or 7:27-22 if the same source had been located onshore, shall be processed in accordance with the corresponding administrative procedures set forth in N.J.A.C. 7:27-8 or 7:27-22, respectively.

(c) All applications and other filings, submitted on behalf of an OCS source that would not have been required to obtain a permit pursuant to the applicability provisions of N.J.A.C. 7:27-8 or 7:27-22 had the same source been located onshore, shall be processed in accordance with the administrative procedures of N.J.A.C. 7:27-8, except that all applications for new permits and permit modifications shall be subject to public notice and the opportunity for public comment.

(d) A request for an exemption from a control technology requirement that has been filed in conjunction with a permit application under this subchapter, shall be processed as part of the permit application and adhere to the administrative requirements set forth in (b) and (c) above. If there is no requirement for notice and an opportunity for public comment because the permit application has been denied, the Department shall provide public notice and comment

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

for the preliminary determination on the request for an exemption as required by the Federal rules incorporated by reference into this subchapter.

(e) A request for an exemption from a control technology requirement that is not filed in conjunction with a permit application or another permit-related filing, shall be processed pursuant to the administrative and public participation procedures set forth in the Federal rules incorporated by reference into this subchapter.

N.J.A.C. 7:27-30.6 Confidentiality

All information submitted to the Department pursuant to this subchapter shall be public information, unless the person submitting the information asserts a confidentiality claim in accordance with the procedures set forth at N.J.A.C. 7:27-1.6 through 1.30 and the Department determines that the information is entitled to confidential treatment in accordance with N.J.A.C. 7:27-1.8 through 1.30. Information submitted electronically cannot be handled confidentially. Therefore, information submitted pursuant to a confidentiality claim must be submitted in paper form only, and the claims of confidentiality must be asserted by clearly marking the information as required by N.J.A.C. 7:27-1.6.

N.J.A.C. 7:27-30.7 Severability

If any section, subsection, provision, clause, or portion of this subchapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the subchapter, section, subsection, provision, clause, portion, or application directly involved in the controversy in

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

which the judgment was rendered and it shall not affect or impair the remainder of this subchapter or the application thereof to other persons.