



New Jersey Department of Environmental Protection

**NOTICE OF PUBLIC HEARING AND AVAILABILITY:**

**PROPOSED RULEMAKING TO NEW JERSEY'S CONTROL AND PROHIBITION OF AIR POLLUTION FROM OXIDES OF NITROGEN (NO<sub>x</sub>)**

**N.J.A.C. 7:27-19 and related provisions at N.J.A.C. 7:27-8.1, 8.2; 7:27-16.1, 16.8, 16.9, 16.10, 16.16; 7:27-22.1; 7:27A-3.10**

Take notice that the New Jersey Department of Environmental Protection (Department) is proposing new rules and amendments at N.J.A.C. 7:27-19, Control and Prohibition of Air Pollution from Oxides of Nitrogen (NO<sub>x</sub>). The Department is also proposing related amendments to N.J.A.C. 7:27-8, Permits and Certificates for Minor Facilities and Major Facilities Without an Operating Permit; N.J.A.C. 7:27-16, Control and Prohibition of Air Pollution by Volatile Organic Compounds; N.J.A.C. 7:27-22, Operating Permits (for Major Facilities); and N.J.A.C. 7:27A-3.10, Air Administrative Procedures and Penalties. This proposal also constitutes a proposed revision to the State's Ozone State Implementation Plan (SIP) and a copy was forwarded to the United States Environmental Protection Agency (USEPA). A statement of the substance of the proposal follows:

The Department has initiated efforts to adopt new rules and amendments to incorporate six regional air pollution control measures endorsed by the Ozone Transport Commission (OTC). These six measures were previously identified in the State's Ozone SIP to meet a USEPA identified ozone precursor emission reduction shortfall. This proposed rule for additional NO<sub>x</sub> control measures is the last one of the six measures. The goals of this rulemaking are: to obtain additional reductions of NO<sub>x</sub> emissions to assist in the attainment of the National Ambient Air Quality Standard (NAAQS); to address the NO<sub>x</sub> emission reduction shortfall identified by the USEPA; and to implement the Department's Ozone SIP commitment to USEPA.

These new rules and amendments would apply to owners or operators of stationary sources of NO<sub>x</sub> emissions, including industrial/commercial/institutional boilers, combustion turbines, and reciprocating engines. Owners or operators of such sources would be required to achieve the emission rate limit specified in the rules or to comply instead with alternatives if technically or economically infeasible. These rules would also regulate emissions from distributed generation, consistent with the OTC recommendation in its March 2001 "Resolution of the States of the Ozone Transport Commission Concerning the Creation of Incentives for Additional Clean Distributed Generation of Electric Power." Distributed generation is the use of small scale electric generating technologies installed at, or in close proximity to, the end user's location. The proposed new rules and amendments would seek better control on diesel electric generators and encourage the use of cleaner technologies, such as fuel cells and microturbines.

The Department's proposal will appear in the **September 20, 2004** New Jersey Register. A copy of the proposal is now available for inspection, as described more fully below. A **public hearing** concerning the Department's proposal/proposed SIP revision is scheduled as follows:

**Thursday, October 28, 2004 at 12:30 P.M. until close of comments  
and 6:00 P.M. until close of comments**

Department of Environmental Protection Building  
Public Hearing Room, 1<sup>st</sup> Floor, East Wing  
401 East State Street  
Trenton, New Jersey

This hearing is being held in accordance with the provisions of Section 110 (a)(2) of the Clean Air Act, 42 U.S.C. § 7410; the Air Pollution Control Act (1954), N.J.S.A. 26:2C; and the Administrative Procedure Act, N.J.S.A. 52:14B. Written comments may be submitted by close of business **Friday, November 19, 2004**, to:

New Jersey Department of Environmental Protection  
Alice Previte, Esq.  
Attn: DEP Docket No. 18-04-08/245  
Office of Legal Affairs  
PO Box 402  
Trenton, New Jersey 08625-0402

**The following are options for obtaining a copy of the proposal/proposed SIP revision:**

1. Visit the DEP's website at: [www.state.nj.us/dep/aqm](http://www.state.nj.us/dep/aqm), where Air Quality Management rules, proposals, adoptions and SIP revisions are available. The Department's proposal/proposed SIP revision can be viewed or downloaded from the following url: <http://www.state.nj.us/dep/aqm/whatsnew.htm>.

2. Look for the Department's proposal in the **September 20, 2004**, issue of the New Jersey Register.

3. Go and inspect the proposal/proposed SIP revision during normal office hours at any of these locations:

DEP Public Information Center  
401 E. State Street, 1st Floor  
Trenton, New Jersey 08625

DEP Bureau of Enforcement  
Northern Region  
1259 Route 46 East  
Parsippany, N.J. 07054-4191

DEP Bureau of Enforcement  
Central Region  
Horizon Center, P.O. Box 407  
Robbinsville, N.J. 08625-0407

DEP Bureau of Enforcement  
Southern Region  
2 Riverside Drive, Suite 201  
Camden, N.J. 08103

DEP Bureau of Enforcement  
Metropolitan Region  
2 Babcock Place  
West Orange, N.J. 07052-5504

Atlantic City Public Library  
1 North Tennessee Avenue  
Atlantic City, N.J. 08401

Trenton Public Library  
120 Academy Street  
Trenton, N.J. 08608

Penns Grove/ Carney's Point Public Library Association  
222 South Broad Street  
Penns Grove, N.J. 08069

Newark Public Library  
5 Washington Street  
P.O. Box 630  
Newark, N.J. 07102-0630

Burlington County Library  
Pioneer Blvd. and Woodlane Rd.  
Mt. Holly, N.J. 08060

Joint Free Public Library  
Morristown & Morris County  
1 Miller Road  
Morristown, N.J. 07960

Burlington City Library  
23 West Union Street  
Burlington, N.J. 08016

Perth Amboy Public Library  
193 Jefferson Street  
Perth Amboy, N.J. 08861

Toms River Public Library  
101 Washington Street  
Toms River, N.J. 08753-7625

New Brunswick Free Public Library  
60 Livingston Avenue  
New Brunswick, N.J. 08901

Ms. Ellen Calhoun  
Library of Science and Medicine, Rutgers University  
P.O. Box 1029  
Piscataway, N.J. 08855-1029

Freehold Public Library  
28½ East Main Street  
Freehold, N.J. 07728

Camden Free Public Library  
418 Fredericks Street  
Camden, N.J. 08103

Somerville Public Library  
35 W. End Avenue  
Somerville, N.J. 08876

**4. IF YOU HAVE QUESTIONS:** For further information on how to view or obtain a copy of the Department's rule proposal, please contact:

Bureau of Pre-Construction Permits  
NJDEP Air Quality Permitting Element  
401 E. State Street, 2<sup>nd</sup> Floor  
P.O. Box 027  
Trenton, NJ 08625-027  
phone: (609) 633-2829 and (609) 984-3023  
fax: (609) 984-6369

If you have any questions concerning the proposal/proposed SIP revision, please contact Shirley Meisner at (609) 984-0490, or by e-mailing her at [Shirley.Meisner@dep.state.nj.us](mailto:Shirley.Meisner@dep.state.nj.us), or by mailing or faxing the attached form to her as indicated on the form.

**MAIL OR FAX THIS RULE PROPOSAL REQUEST FORM TO:**

Ms. Shirley Meisner  
New Jersey Department of Environmental Protection  
Air Quality Permitting Element  
401 E. State Street, 2<sup>nd</sup> Floor  
P.O. Box 027  
Trenton, N.J. 08625-0027

phone: (609) 984-0490  
fax: (609) 633-8236  
shirley.meisner@dep.state.nj.us

- Please send me a copy of the **Department's Rule Proposal for Control and Prohibition of Air Pollution from Oxides of Nitrogen (NO<sub>x</sub>), N.J.A.C. 7:27-19**

Name:

Organization:

Address:

Telephone:

- Please remove my name from the Air Quality rulemaking mailing list.

Please consider subscribing to our Air Rules Listserv to receive e-mail updates of all proposed Department rulemaking relating to air pollution control and changes to New Jersey's State Implementation Plan. Signing up is easy through our AIRRULES LISTSERV Info Page at <http://www.state.nj.us/dep/baqp/airrules.html>.