

General Procedures for General Permits

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I. INTRODUCTION

- (a) A General Permit is a pre-approved permit and certificate which applies to a specific class of significant sources. By issuing a General Permit pursuant to N.J.S.A. 26:2C-9.2(h), the Department indicates that it approves the activities authorized by the General Permit, provided that the owner or operator of the sources registers with the Department and meets the requirements of the General Permit. If a source belongs to a class of sources which qualify for a General Permit and the owner or operator of the source registers for the General Permit and complies, the registration satisfies the requirements at N.J.A.C. 7:27-8.3 for a permit and certificate.
- (b) Each General Permit consists of three documents: “General Procedures for General Permits” (this document), the General Permit itself, and the Registration Form.
- (c) The “General Procedures for General Permits” shall apply to all General Permits and shall include instructions for the use of General Permits, a list of General Permits, and citations to regulatory provisions that apply to the use of General Permits.
- (d) The General Permit consists of several sections:
 - I) Definitions specific to each individual General Permit
 - II) Authority for General Permit
 - III) Applicability explains the types of equipment covered by the General Permit
 - IV) Exclusions explaining the types of equipment **NOT** allowed by the General Permit
 - V) Equipment/Control Specifications explaining the emission control requirements based on demonstrated SOTA or RACT add-on control devices or equipment allowed by the General Permit
 - VI) Potential-to-Emit explaining the permitted limits of each contaminant emitted from the equipment in the General Permit
 - VII) Compliance Plan explaining all applicable requirements, monitoring requirements, record keeping requirements and any submittal/actions required by the General Permit
 - VIII) Submittal/Contact Information
- (e) The registration form shall include instructions for completing the form. The registration form shall require information identifying the registrant, the source(s) which will be covered by the registration, showing that the source(s) meets the criteria for the General Permit and showing the source will be operated in accordance with the General Permit. In several cases, the registration form shall require the registrant to choose from among different options tailored to the sources size, operating characteristics, fuel consumed and other parameters. Once the source is described or an option selected on the registration form, the registrant shall continue to operate the source within the parameters of the general permit and or permit option. The registration form shall require the registrant to certify the truth and accuracy of the information on the registration form. The certification shall meet the requirements of N.J.A.C. 7:27-1.39.
- (f) Some General Permits apply to only one source, while others may apply to a class of sources located at the same facility. Each General Permit shall specify whether it applies to a group or to a single source. If a General Permit applies to only one source, and if several sources at one facility qualify for that General Permit, a separate registration, including a fee, shall be submitted for each source.

II. GENERAL PERMIT LIMITATIONS AND REQUIREMENTS

- (a) Pursuant to N.J.A.C. 7:27-8, any person who wishes to construct, install, reconstruct, modify and operate equipment under the authority of the General Permit may register for the General Permit, if the piece of equipment meets the applicability requirements listed in the General Permit.
- (b) The emergency generator(s) registered in GP-005A for Emergency Generator(s) burning distillate fuels or GP-005B for Emergency Generator(s) burning gaseous fuels are allowed to operate at other locations within the State of New Jersey, including a major facility with a Title V operating permit, only in the event of emergency as defined at N.J.A.C. 7:27-19.1.
- (c) General Permits may not be used in cases where, during the last five-year period, annual emissions of any air contaminant from the facility where the piece of equipment is, or will be located, have increased by such amounts (including emissions from the piece of equipment considered for registration) that would trigger other regulatory requirements such as those at 40 CFR 52 (PSD) or N.J.A.C. 7:27-18 (Emission Offsets).
- (d) A General Permit may not be used to cover a source which is subject to PSD requirements under 40 CFR 52.21, or which is subject to emissions offsets requirements under N.J.A.C. 7:27-18.
- (e) A registrant or holder of a General Permit shall operate in compliance with the conditions of the General Permit. If the registration form allows the registrant to choose a particular option tailored to the source, the registrant shall operate the source within the parameters set forth in that option. Failure to operate within the parameters of the chosen option and within the General Permit conditions shall constitute a violation of the General Permit, and appropriate enforcement action will be issued. If a registrant wants to make a change to a source which has been registered under a General Permit, a new General Permit registration is required. In some cases, a facility may possess only one General Permit of a specific category. See applicability section of the General Permit.
- (f) The registrant is fully responsible for ensuring that the requirements of the General Permit, and the General Procedures for General Permits are complied with at all times. If an owner or operator has registered a source under a General Permit and the registration form is incorrect or deficient, the owner or operator may be liable for penalties for acting without a valid permit or certificate. Examples of ways a registration might be incorrect or deficient include: the registered source(s) do not qualify for the General Permit, the registration was improperly completed, or does not include the proper fee.
- (g) Any person holding a General Permit shall make said General Permit readily available for Department inspection on the operating premises.
- (h) Once a General Permit is issued, the registrant is fully responsible for compliance with the General Permit. This includes adequate design, construction, and operation of the source(s), even if employees, contractors or others work on or operate the permitted source(s). If the Department issues any other requirement with the force of law, such as an order, which applies to the source(s), the registrant is also responsible for compliance with that requirement.

- (i) General Permits do not in any way relieve the registrant from the obligation to obtain necessary permits from other governmental agencies and to comply with all other applicable Federal, State and local rules and regulations.
- (j) No person holding any General Permit shall suffer, allow or permit any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in such quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property. This shall not include an air contaminant which occurs only in areas over which the owner or operator has exclusive use or occupancy. In determining whether an odor unreasonably interferes with the enjoyment of life or property, the Department shall consider all of the relevant facts and circumstances, including, but not limited to, the character, severity, frequency, and duration of the odor, and the number of persons affected thereby. In considering these and other relevant facts and circumstances, no one factor shall be dispositive, but each shall be considered relevant in determining whether an odor interferes with the enjoyment of life or property, and, if so, whether such interference is unreasonable considering all of the circumstances.
- (k) The Department and its representatives have the right to enter and inspect any facility or property in accordance with N.J.A.C. 7:27-1.31(a)1-8;

and

No person shall obstruct, hinder or delay the Department or its representatives in its exercise of its rights.

III. REGISTRATION AND ADMINISTRATIVE COMPLETENESS

In order to operate a source covered by a General Permit, the source shall also be covered by an operating certificate, which authorizes operation of the source. The General Permit registration form also serves as the application form for the operating certificate, and the Department shall issue the General Permit and operating certificate simultaneously, combined in one document.

Registration Form: Any person proposing to act under the authority of a General Permit shall register with the Department using the appropriate registration form. All sections of the form must be completed (except when the instructions indicate otherwise). The registration form must be signed by the individual with direct knowledge and a Responsible Official (can be the same person).

(a) Paper Registration

After January 1, 2010, an applicant may apply on a paper version of the registration only if the GP is not available on-line at the time of registration.

The authority to act under a general permit begins upon the registrant's receipt of proof of the Department's receipt of the properly completed registration form (including the registration fee specified at N.J.A.C. 7:27-8.6). This proof can be a certified mail receipt, or a copy of the Department's written acknowledgment.

(b) On-line Submittals (e-portal)

An Internet-based electronic submission shall be through an Internet-based, electronic method listed at www.state.nj.us/dep/online. If a person wishes to document the date of the Internet-based electronic submission, the person may print the appropriate website confirmation screen. After payment has been confirmed, the applicant can go to the permit certificate folder and get a printout of the certificate to operate.

IV. RENEWALS

Four (4) months prior to expiration of the General Permit, a renewal notice will be sent either in writing and/or via e-mail from the Department to the registrant.

For the operational authority to remain in effect, and the certificate to operate to remain valid, the registrant must:

Mail the appropriate renewal fees to the address listed on the renewal notice;

or

Submit the appropriate renewal fees electronically according to the online procedures found at www.njdeponline.com

If the Department has developed a revision to a general permit, the timing of the renewal notice issuance may be shortened to one (1) month prior to expiration.

V. CHANGES

General Permit Revisions

Equipment: A General Permits is for the construction, installation, reconstruction, modification and/or operation of a piece or pieces of equipment eligible for a General Permit. When the General Permit offers more than one general permit selection (permitting option), as in the case of boilers, changes in the option chosen on the Registration Form require the submittal of a **new** Registration Form and the appropriate Registration Fee.

VI. ISSUING A NEW OR CHANGING A GENERAL PERMIT

To issue a General Permit, or revise an existing one, the Department shall draft a new or revised registration form and General Permit, and shall publish a notice in the New Jersey Register that these documents are available for review and comment. When the comment period closes, the Department shall incorporate any changes deemed appropriate. The Department shall then announce the final General Permit, and add it to the list of General Permits, through a notice of administrative change published in the New Jersey Register.

If the Department revises an existing General Permit, it shall notify each registrant who has registered under the General Permit. The registrant shall comply with any applicable new requirements as follows:

1. If the change to the General Permit is required by a statute or regulation, a registrant shall comply by the date required for compliance in the statute or regulation. If the registrant cannot comply by that date, the registrant must stop operating the source(s) or obtain by that date a source specific permit and certificate which authorizes continued operation; and
2. If the change to the General Permit is not required by a statute or regulation, a registrant shall comply by the date which is 90 days after the date that the notice was received from the Department or the date when the registration expires, whichever is later. Thereafter, the registrant shall comply with the changed General Permit.

VII. AFFIRMATIVE DEFENSE

There shall be an affirmative defense to liability for penalties for a violation of General Permit, occurring as a result of an equipment malfunction, an equipment startup, an equipment shutdown, or during the performance of necessary equipment maintenance. The affirmative defense shall be asserted and established as required by P.L.1993, c.89 (adding N.J.S.A. 26:2C-19.1 through 2C-19.5) and any rules that the Department promulgates there under, and shall meet all of the requirements thereof. See

http://www.nj.gov/dep/enforcement/affirmative_defence_guidance_to_facility.pdf for additional guidance on Affirmative Defense.

VIII. REGIONAL OFFICES

If a permit applicant is not sure if a source operation needs a permit go to:

<http://www.nj.gov/dep/enforcement/air.html> for a list of the Department's Regional Enforcement Offices.