



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Air Quality

Air Quality Permitting Element

401 E. State Street, 2nd floor, P.O. Box 27

Trenton, NJ 08625-0027

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Acting Commissioner

MEMORANDUM

TO: Air Quality Permitting Supervisors and Evaluators

FROM: Francis C. Steitz/Chief, Bureau of Air Permits

SUBJECT: Compliance Demonstrations using Stack Testing

DATE: February 3, 2010

This memo provides guidance to Air Quality Permitting Staff when drafting permit conditions that require stack testing to demonstrate compliance; specifically when existing stack test results may be used to demonstrate compliance with new rule requirements.

When a new rule requires stack testing to demonstrate compliance and specifies existing stack tests may be used, staff should draft permit text that explicitly states that the testing requirement has been satisfied and list the NJEMS testing activity. These existing stack test results may be used if they demonstrated compliance. When a new rule requires stack testing to demonstrate compliance and prohibits the use of existing stack test results, staff should draft permit text requiring a new test for compliance.

If the new rule requirement does not prohibit the use of existing stack test results to demonstrate compliance, but does not explicitly mention the use of existing stack tests, the test results may be used provided the following are true:

1. The test must have been conducted using a protocol approved by BTS and test results approved by BTS.
2. The test was conducted within five years preceding the compliance dates specified in the new rule.
3. The equipment or source operation cannot have been the subject of a modification, as defined in N.J.A.C. 7:27-8 and N.J.A.C. 7:27-22, after the existing test was conducted.

If the previous stack test results meet the three criteria, then staff should draft permit text that explicitly states that the testing requirement has been satisfied and list the NJEMS testing activity. These existing stack test results shall be deemed to satisfy the requirement to demonstrate compliance.

Additional situations not covered by this guidance should be directed to your Section Chief.

C: John Preczewski, P.E., Assistant Director
Michael Klein, Section Chief