



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION


JON S. CORZINE
Governor

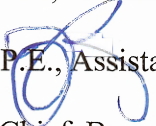
Division of Air Quality
Air Quality Permitting Element
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MARK MAURIELLO
Acting Commissioner

MEMORANDUM

TO: Air Quality Permitting Supervisors and Evaluators
Air Compliance and Enforcement Field Staff

THROUGH: Edward Choromanski, Administrator, Air Compliance and Enforcement 

THROUGH: John Preczewski, P.E., Assistant Director, Air Quality Permitting Program 

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

SUBJECT: Air Quality Permit Applicability at Construction Sites

DATE: January 6, 2010

This document provides guidance to Air Quality Staff in determining when Air Quality Permits, pursuant to N.J.A.C. 7:27-8 or N.J.A.C. 7:27-22, are required at a construction site as defined below. Section I outlines the types of equipment which require an Air Quality Permit. Section II identifies the types of equipment which do not require an Air Quality Permit.

"Construction site" means an area or location on a piece of property where construction is temporarily occurring, and which has a finite completion date. Construction includes, but is not limited to the creation, assembly, repair, maintenance or demolition of buildings, transportation infrastructure (roads, bridges, tunnels, railroads, marine installations etc), landscape (parks, recreational locations, etc), or other structures. A construction site is not a location involved in a continuous (non-temporary) operation, or where a production process is involved. Property may include both a construction site area, and a production area.

Section I.

The following equipment, used at a construction site, must obtain an Air Quality Permit:

1. Heaters or boilers of any size combusting non-commercial fuels (including but not limited to used-oil).

2. Heaters or boilers combusting commercial fuels (including but not limited to natural gas, propane, diesel, biodiesel, or #2 distillate oil) with a burner size 1MMBTU/hr or greater.
3. Except as exempted in Section II below any processing equipment including but not limited:
 - a. Asphalt production plants, portable or stationary, of any size.
 - b. Cement batch plants, portable or stationary
 - c. Grinders, screeners, and crushers, which process materials including but not limited wood, concrete, rock, soil, construction demolition waste, etc.
 - d. The engines used to operate the processing equipment in c above, if that engine is sized 1MMBTU/hr or greater.
 - e. Materials-handling equipment used in the operation of a, b, c above including but not limited to belt conveyers, buckets elevators, pneumatic conveyors.
 - f. Material storage bins or containers, in excess of 2000 ft³ capacity, storing solid materials.
 - g. Liquid storage tanks, 2,000 gallons or greater, storing gasoline or other applicable VOC (this does not include diesel, biodiesel, or #2 distillate oil)

Section II.

The following equipment, used at a construction site, is not required to obtain an Air Quality Permit:

1. Cranes that have the capability of leaving the construction site (e.g., Mobile Construction Cranes), and the engine that powers that crane
2. Portable internal combustion engines, located at the construction site, burning commercial fuels that provide temporary electrical energy specifically and exclusively for construction operations (e.g. lighting, elevators, electric pumps).
3. Portable internal combustion engines, located at the construction site, burning commercial fuels that provide temporary mechanical energy specifically and exclusively for construction operations (e.g. pumps, compressors)
4. Portable welding equipment and its associate electrical generating engine used specifically and exclusively for construction operations and located at the construction site.
5. On-Highway construction vehicles such as dump trucks, front-end loaders etc., used on a construction site.

C: William O'Sullivan, P.E., Director, Division of Air Quality