



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ENVIRONMENTAL MANAGEMENT
DIVISION OF AIR QUALITY
P.O. Box 420 Mailcode 401-02
TRENTON, NJ 08625-0027
609 - 984 - 1484

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

BOB MARTIN
Commissioner

MEMORANDUM

TO: Air Quality Permitting Program and Air Compliance and Enforcement Staff

THROUGH: William O'Sullivan, Director
Division of Air Quality

Edward M. Choromanski, Director
Air and Hazardous Materials Enforcement

FROM: Francis Steitz, Assistant Director
Air Quality Permitting Program

SUBJECT: Applicability of permit exemption at N.J.A.C. 7:27-8.2(d)11.

DATE: July 5, 2012

A question was raised whether fuel cell systems powered by natural gas are exempt from needing a preconstruction permit and operating certificate pursuant to N.J.A.C. 7:27-8.2(d)11.ii., which states that a fuel cell system is not a significant source (and therefore does not need a preconstruction permit and operating certificate) if the fuel cell system meets any of the following specifications:

- i. Any generating capacity size fueled by hydrogen without a fuel processor;
- ii. Less than 5,000 kilowatts generating capacity fueled by methane; or
- iii. Less than 500 kilowatts generating capacity fueled by fuels other than hydrogen or methane.

Before recent rule modifications, fuel cells fueled with hydrogen and natural gas less than 500 kilowatts generating capacity were exempt from obtaining air permits. The most recent revision expanded the size and types of fuels that were exempt from air permits. Natural gas continues to be considered methane in fuel cell systems and is therefore exempt if the other above criteria is met.

If you have any questions, please contact Joel Leon at 633-1113 or by email at joel.leon@dep.state.nj.us.