

PARTICULATE DUST FACT SHEET

What is particulate dust?

The Air Pollution Control Act prohibits the emission into the outdoor atmosphere of air contaminants in quantities that result in air pollution. Air pollution is defined as, “the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property.” Particulate dust is an air contaminant and therefore may be considered air pollution if it is present in a way that unreasonably interferes with the enjoyment of life and/or property.

What triggers a particulate dust investigation?

The Department or your local health department will initiate an investigation in response to complaints from one or more citizens regarding the objectionable particulate dust.

Do all particulate dust complaints result in violations?

No. In order to verify a complaint and issue an enforcement action, an investigation must be performed and the investigator must verify the particulate dust on the complainant's property and concur with the complainant that the particulate dust, “unreasonably interfered with the enjoyment of life and/or property.” In making this determination, the Department considers the character, severity, frequency and duration of the particulate/dust and the number of persons affected thereby.

How do we investigate a particulate dust complaint?

1. After receiving a complaint, the inspector will first go to the complainant's location and attempt to verify the presence of the air contaminant at that location. The inspector will then ask the complainant(s) to complete a “Statement of Complaint” form. By completing the form, the complainant is attesting that the particulate dust “unreasonably interfered with the enjoyment of life and/or property.” Although this form is the primary basis for the violation, the inspector must independently verify that the particulate dust “unreasonably interfered with the enjoyment of life and/or property” by performing his/her own investigation.
2. The inspector then proceeds upwind of the complainant in an attempt to identify the source of the particulate dust. Once the inspector believes that he/she has identified the source, the investigator will proceed upwind of the facility and around the entire perimeter of the facility to ensure that no other sources are contributing to the particulate dust in question. At that point, the inspector will enter the facility and attempt to identify the specific process or area of the facility from which the particulate dust is emanating.

3. Before the inspector leaves, he/she will tell the facility representative whether or not a violation was verified. If a violation was verified, the inspector will issue the appropriate enforcement action to the facility either at that time or within the next several days.

Will a facility receive a penalty for a particulate dust violation?

First offense of a violative particulate release may be assessed penalties ranging from \$150 up to \$1,400. Subsequent or continuing violations may be subject to penalties of up to \$15,000 per violation.

Are these procedures and information published anywhere?

Yes. As required by the Air Pollution Control Act, the guidelines for investigating air pollution were published in the New Jersey Register on September 17, 2007 [39 N.J.R. 3999(c)].

Who can I call if I have a question about particulate dust?

You may call the regional enforcement field office that corresponds to your geographical area (county):

Northern Regional Office (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union and Warren) – call (973) 656-4444 or email AirCE-Northern@dep.nj.gov

Central Regional Office (Burlington, Mercer, Middlesex, Monmouth, and Ocean) – call (609) 292-3187 or email AirCE-Central@dep.nj.gov

Southern Regional Office (Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem) – call (856) 614-3601 or email AirCE-Southern@dep.nj.gov

CALL IN DUST/PARTICULATE COMPLAINTS TO THE DEP's 24-HOUR TOLL-FREE ENVIRONMENTAL HOTLINE at 1-877 WARN DEP (1-877-927-6337)