

II. What Was Included in New Jersey's Submittal?

New Jersey's Submittal

On January 23, 2003, New Jersey submitted a SIP revision for ozone and CO which included an adopted Emission Statement Regulation. The regulation amends New Jersey Administrative Code Title 7, Chapter 27, Subchapter 21 Emission Statements and Subchapter 22 Operating Permits, and Title 7, Chapter 27A, Subchapter 3 Civil Administrative Penalties and Requests for Adjudicatory Hearings. The amendments were adopted on January 23, 2003, by the New Jersey Department of Environmental Protection (NJDEP) and became effective on February 18, 2003.

EPA's Findings

EPA has determined that an acceptable Emission Statement Program must have several components. Specifically, a state must submit it as a revision to its SIP, and the Emission Statement Program must meet the minimum requirements for reporting as outlined in EPA's, "Guidance on the Implementation of an Emission Statement Program" (July 1992). The program must include, at a minimum, provisions specifying source applicability, definitions, compliance, and specific source reporting requirements.

EPA's detailed review of New Jersey's Emission Statement Program is contained in a technical support document available from the source for further information identified at the beginning of this proposal.

Applicability

In ozone nonattainment areas, facilities which emit VOC or NO_x in amounts of 25 tons per year or more must submit an emission statement. The entire State of New Jersey is designated nonattainment of the NAAQS for ozone. New Jersey's regulation appropriately requires facilities anywhere in the State actually emitting or having the potential to emit 10 tons per year or more of VOC or 25 tons per year or more of NO_x to submit an annual emission statement.

New Jersey's regulation requires sources which have the potential to emit 100 tons per year or more of CO, SO₂, TSP, PM_{2.5}, PM₁₀, NH₃ or 5 tons per year or more of Pb to submit annual emission statements.

New Jersey's rule has special provisions which require sources which have the potential to emit VOC greater than 10 tons per year but less than 25 tons per year of VOC, or less than the applicable reporting thresholds for the

other criteria pollutants mentioned earlier to report annual emission statements for VOC, NO_x, CO and 36 HAPs.

New Jersey's regulations include special provisions that require sources which have the potential to emit 25 tons per year or more of VOC, or, the potential to emit equal to or higher than the specific emission thresholds for the other criteria pollutants mentioned earlier to submit annual emission statements for VOC, NO_x, CO, SO₂, TSP, Pb, PM₁₀, PM_{2.5}, NH₃, CO₂ and CH₄ and 36 HAPs.

EPA has determined that New Jersey has addressed the emission statement applicability provisions in a manner that is acceptable to EPA. In addition, New Jersey's emission statement rule will assist the State in satisfying the annual reporting requirements for the federal CERR, help the State to develop a HAPS emission inventory for use in National Air Toxics Assessment.

Definitions

The key definitions that New Jersey included in its Emission Statement Regulation are consistent with the EPA guidance.

Compliance

All measures and other elements in the SIP must be enforceable by the State and EPA. SIP provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The State of New Jersey has a program in its SIP that will ensure that the requirements of section 182(a)(3)(B) are adequately enforced. In addition, New Jersey has established penalties to be assessed for each reporting violation.

New Jersey's statute and regulations includes the authority to issue compliance orders with appropriate penalties and injunctive relief for sources failing to comply. EPA has determined that New Jersey has an adequate enforcement program in place to satisfy the compliance requirements of an Emission Statement Program.

Reporting Requirements

In accordance with EPA requirements, New Jersey requires the necessary source-supplied data elements from facilities. The survey forms that New Jersey provides to facilities for use in reporting emission statement data are not EPA forms but require the necessary data.

The State's Emission Statement program requires facilities to report on the following pollutants to assist the State in air quality planning needs:

hydrochloric acid, hydrazine, methylene chloride, tetrachloroethylene, 1,1,1 trichloroethane, CO₂ and methane. While EPA recognizes the value of this information, EPA will not take enforcement action should a facility not submit this information to the State in an emission statement because these substances do not contribute to violation of the NAAQS.

It should be noted the State's SIP revision request also contains Subchapter 22 Operating Permits and Title 7, Chapter 27A, Subchapter 3 Civil Administrative Penalties and Requests for Adjudicatory Hearings. In this action EPA is officially acting on NJAC Title 7, Chapter 27, Subchapter 21 Emission Statements. However, EPA will not be acting on NJAC Title 7, Subchapter 22 Operating Permits and Title 7, Chapter 27A, Subchapter 3 Civil Administrative Penalties and Requests for Adjudicatory Hearings and will not be incorporating these amendments by reference into the SIP. Title 7, Subchapter 22 involves a separate program under EPA's Title V program. Title 7, Chapter 27A, Subchapter 3 involves enforcement and civil penalties, EPA has its own enforcement provisions separate from the State program.

III. General Information

A. How Can I Get Copies of This Document and Other Related Information?

1. *The Regional Office has established an official public rulemaking file available for inspection at the Regional Office.* EPA has established an official public rulemaking file for this action under Region 2 Docket Number NJ 63-263. The official public file consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public rulemaking file does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public rulemaking file is the collection of materials that is available for public viewing at the Environmental Protection Agency, Region II Office, Air Programs Branch, 290 Broadway, New York, New York 10007-1866. EPA requests that if at all possible, you contact the contact listed in the For Further Information Contact section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding Federal Holidays.