

Appendix C - N.J.A.C. 7:27-12, Prevention and Control of Air Pollution Emergencies

In addition to the attached, an unofficial copy of this rule is available on-line at <http://www.state.nj.us/dep/aqm/Sub12.pdf>; a free official copy is available from the Lexis Nexis website at <http://www.lexisnexis.com/njoal/>

i. Smoke emitted during the building of a new fire, the shade or appearance of which is not greater than Number 2 of the Ringelmann smoke chart for a period of three consecutive minutes; or

ii. Emissions of such opacity within a stack or chimney, or exclusive of water vapor, of such opacity leaving a stack or chimney to a degree greater than the emission designated as Number 2 of the Ringelmann smoke chart for a period not greater than three consecutive minutes.

(c) No person shall cause, suffer, allow or permit the emission of particles of unburned waste or ash from any common incinerator or from any special incinerator which are individually large enough to be visible while suspended in the atmosphere.

(d) No person shall construct, install, use or cause to be used any common incinerator or any special incinerator which will result in odors being detectable by sense of smell in any area of human use or occupancy.

(e) Stack test emission standards shall be as follows:

1. Any person responsible for the construction, installation, alteration or use of an incinerator shall, when ordered by the Department, provide the facilities and necessary equipment for determining the density of smoke being discharged from a stack or chimney and shall conduct such smoke tests using methods approved by the Department. All smoke test data shall be recorded in a permanent log at such time intervals as specified by the Department. The data shall be maintained for a period of not less than one year and shall be available for review by the Department.

2. Any person responsible for the use of a new or existing incinerator shall upon request of the Department provide such sampling facilities and testing facilities exclusive of instruments and sensing devices as may be necessary for the Department to determine the nature and quantity of emissions from such incinerators and shall during such testing, operate the incinerator at a charging rate of waste no less than the designed capacity of the incinerator using materials representative of the types of wastes normally burned. Such facilities may be either permanent or temporary, at the discretion of the person responsible for their provision, and shall conform to all applicable laws and regulations concerning safe construction or safe practice.

7:27-11.4 Permit to construct; certificate to operate

(a) No person shall construct or install any new incinerator, or any new control apparatus, or alter any existing incinerator, or any existing control apparatus without first having obtained a permit which authorizes the construction, installation, or alteration. The permit may be a preconstruction permit and certificate under N.J.A.C. 7:27-8, an operating permit under N.J.A.C. 7:27-22, or a facility-wide permit as defined at N.J.A.C. 7:1K-1.5.

(b) No person shall use or cause to be used any new or altered incinerator, or any new or altered control apparatus, if the equipment or control apparatus is subject to permit requirements at N.J.A.C. 7:27-8, without first having obtained an operating certificate to operate control apparatus or equipment from the Department, in accordance with N.J.A.C. 7:27-8.

Amended by R.1998 d.231, effective May 4, 1998 (operative June 12, 1998).

See: 29 N.J.R. 3521(a), 30 N.J.R. 1563(b).

Rewrote the section.

7:27-11.5 Operation

(a) Written procedures to be followed for proper operation and maintenance for a new incinerator, or an altered existing incinerator, shall be submitted to the Department for review and approval together with the application for a certificate to operate.

(b) Any person in possession of a certificate to operate an incinerator shall maintain said certificate readily available on the operating premises. Operating procedures and rated burning capacity of the incinerator shall be posted at a convenient place as near as practical to the point of operation.

(c) No person shall use or cause to be used any incinerator unless all components connected, or attached to, or serving the incinerator, including control apparatus are functioning properly and are in use, in accordance with the permit to construct, and the certificate to operate.

7:27-11.6 Exceptions

The provisions of this Subchapter shall not apply to incinerators installed or used in one or two-family dwellings or in multi-occupied dwellings containing six or less family units one of which is owner occupied.

SUBCHAPTER 12. PREVENTION AND CONTROL OF AIR POLLUTION EMERGENCIES

Subchapter Historical Note

Unless otherwise expressly noted, all provisions of this Subchapter 12 were filed January 27, 1972, and became effective March 27, 1972 as R.1972 d.15. See: 3 N.J.R. 250(a).

7:27-12.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Chemical and allied products industries" means establishments engaged in the manufacture of:

1. Basic chemicals such as acids, alkalies, salts, industrial gases and organic chemicals;
2. Chemical products to be used in further manufacturing such as synthetic fibers, plastics, dry colors and pigments;
3. Finished chemical products to be used for ultimate consumption such as drugs, cosmetics, soap, paints, fertilizers and explosives.

"Glass, clay and concrete products industries" means establishments engaged in the manufacture of glass, glassware, textile fibers, glass insulation wool, structural clay products, concrete products, gypsum and plaster products, lime, abrasives and asbestos.

"Paper and allied products industries" means establishments engaged in manufacturing wood pulp from wood or other materials and the manufacture of paper, paperboard and building papers.

"Petroleum refining and related industries" means establishments engaged in petroleum refining, the manufacture of paving and roofing materials from petroleum products and compounding paving and building materials from petroleum products.

"Primary metals industries" means establishments engaged in the smelting, refining, sintering and alloying of ferrous and nonferrous metals from ore, pig or scrap, and the manufacture of castings, forgings, powdered metals and other basic products of ferrous or nonferrous metals, including the production of coke.

7:27-12.2 Emergency criteria

(a) A condition justifying proclamation by the Governor of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Commissioner determines that the accumulation of air contaminants in any place, locality, county or other area in the State is attaining or has attained levels which could, if such

levels are sustained or exceeded, lead to a threat to the health of the public.

(b) Such determinations shall be in accordance with criteria published in the New Jersey Register and on file with the Department.

7:27-12.3 Criteria for emergency termination

In making a determination that the threat resulting from the accumulation of air contaminants no longer exists, the Commissioner shall be guided by measurements of air quality and advisories provided by the United States Weather Service.

7:27-12.4 Standby plans

(a) Any person responsible for the operation of a source of air contamination as set forth in Table 1 of this Section shall prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning, and air pollution emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III which are made a part of this Section.

(b) Any person responsible for the operation of a source of air contamination not set forth in Table 1 of this Section, shall, when requested by the Department in writing, prepare standby plans, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, air pollution warning, and air pollution emergency. Standby plans shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables I-III.

(c) Standby plans as required under subsections (a) and (b) of this Section shall be in writing and show the source of air contamination, the approximate amount of reduction of contaminants and a brief description of the manner in which the reduction will be achieved during an air pollution alert, air pollution warning, and air pollution emergency.

TABLE 1 - EMISSION REDUCTION OBJECTIVES

Source of Air Contamination	Air Follow-up Alert
1. Coal or oil-fired electric power generating facilities.	<p>a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.</p> <p>b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler loading and soot blowing.</p> <p>c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.</p>
2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.	<p>a. Substantial reduction by utilization of fuels having lowest available ash and sulfur content.</p> <p>b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler loading and soot blowing.</p> <p>c. Reduction of steam load demands consistent with continuing plant operations.</p>
<p>3. A. Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location:</p> <p>Primary Metals Industries</p> <p>Petroleum Refining and Related Industries</p> <p>Chemical and Allied Products Industries</p> <p>Paper and Allied Products Industries</p> <p>Glass, Clay and Concrete Products Industries</p> <p>AND</p> <p>B. Other persons required by the Department to prepare standby plans.</p>	<p>a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.</p> <p>b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.</p> <p>c. Reduction of heat load demands for processing consistent with continuing plant operations.</p> <p>d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler loading or soot blowing.</p>
4. Municipal and commercial refuse disposal operations	<p>a. Maximum reduction by protection of open burning on all refuse disposal areas.</p> <p>b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.</p>

TABLE II EMISSION REDUCTION OBJECTIVES	
Source of Air Contamination	Air Pollution Warning
1. Coal or oil-fired electric power generating facilities	a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 p. m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
2. Coal or oil-fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour.	a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 p. m.) atmospheric turbulence for boiler lancing and soot blowing. c. Reduction of steam load demands consistent with continuing plant operations. d. Making ready for use a plan of action to be taken if an emergency develops.
3. A - Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location: Primary Metals Industries Petroleum Refining and Related Industries Chemical and Allied Products Industries Paper and Allied Products Industries Glass, Clay and Concrete Products Industries AND B - Other persons required by the Department to prepare standby plans	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations. b. Maximum reduction by deferring waste disposal operations which emit particles, gases, vapors or malodorous substances. c. Reduction of heat load demands for processing consistent with continuing plant operations. d. Maximum utilization of mid-day (12:00 Noon to 4:00 p. m.) atmospheric turbulence for boiler lancing or soot blowing.
4. Municipal and commercial refuse disposal operations	a. Maximum reduction by prevention of open burning on all refuse disposal areas. b. Complete elimination of the use of incinerators.

TABLE 50 - EMISSION REDUCTION OBJECTIVES

Source of Air Contamination	Air Pollution Emergency
1. Coal or oil-fired electric power generating facilities	a. Maximum reduction by utilization of fuels having lowest available ash and sulfur content. b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area
2. Coal or oil fired process steam generating facilities having a capacity to burn in excess of four tons of coal per hour or 600 gallons of fuel oil per hour	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing. c. Taking the action called for in the emergency plan
3. A. Manufacturing industries of the following classifications which employ more than twenty (20) employees at any one location: Primary Metals Industries Petroleum Refining & Related Industries Chemical and Allied Products Industries Paper and Allied Products Industries Glass, Clay and Concrete Products Industries AND B. Other persons required by the Department to prepare standby plans	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment. b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or noxious substances. c. Maximum reduction of heat load demands for processing. d. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
4. Municipal and commercial refuse disposal operations.	a. Maximum reduction by prevention of open burning on all refuse disposal areas. b. Complete elimination of the use of incinerators.

(d) During a condition of air pollution alert, air pollution warning and air pollution emergency, standby plans as required by this Section shall be made available on the premises to any person authorized to enforce the provisions of the Air Pollution Emergency Control Act.

(e) Standby plans as required by this Section shall be submitted to the Department upon request within 30 days of the receipt of such request; such standby plans shall be subject to review and approval by the Department. If, in the opinion of the Department, such standby plans do not effectively carry out the objectives as set forth in Tables I-III, the Department may disapprove said standby plans, state its reason for disapproval and order the preparation of amended standby plans within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised plan is entitled to a hearing in accordance with C.26:2C-14.1 of the Air Pollution Control Act. If the person responsible fails within the time period specified in the order to submit an amended standby plan which in the opinion of the Department meets the said objectives; the Department may revise the standby plan to cause it to meet these objectives. Such revised plan will thereafter be the standby plan which the person responsible will put into effect upon the issuance of an appropriate order by the Governor.

7:27-12.5 Standby orders

(a) The following are standby orders which might be appropriate for use by the Governor upon his declaration that an air pollution emergency exists:

1. Air pollution alert:

i. Any person responsible for the operation of a source of air contamination as set forth in Table I of Section 4 (Standby plans) of this Subchapter shall take all air pollution alert actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an air pollution alert;

ii. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form;

iii. The use of incinerators for the disposal of any form of solid or liquid waste shall be limited to hours between 12:00 Noon and 4:00 P.M.;

iv. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 P.M.

2. Air pollution warning:

i. Any person responsible for the operation of a source of air contamination as set forth in Table II of Section 4 (Standby plans) of this Subchapter shall take all air pollution warning actions as required for such source of air contamination; and shall particularly put into effect the standby plans for an air warning;

ii. There shall be no open burning by any persons of tree waste, vegetation, refuse or debris in any form;

iii. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited;

iv. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 P.M.

3. Air pollution emergency;

i. Any person responsible for the operation of a source of air contamination as described in Table III of Section 4 (Standby plans) of this Subchapter shall take all air pollution emergency actions as listed as required for such source of air contamination; and shall particularly put into effect the standby plans for an air pollution emergency;

ii. All manufacturing establishments except those included in N.J.A.C. 7:27-12.5(a)3i above will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment;

iii. All places of employment described in this subparagraph shall immediately cease operations:

(1) Mining and quarrying of nonmetallic minerals;

(2) All contract construction work except that which must proceed to avoid physical harm;

(3) Wholesale trade establishments, that is, places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies;

(4) All offices of local, county and State government including authorities, joint meetings and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute;

(5) All retail trade establishments except pharmacies and stores primarily engaged in the sale of food;

(6) Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices;

(7) Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber shops; shoe repair shops;

(8) Advertising offices; consumer credit reporting, adjustment and collection agencies; duplicating, ad-

vertising, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories;

(9) Automobile repair, automobile services, garages;

(10) Establishments rendering amusement and recreation services including motion picture theaters;

(11) Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools and public and private libraries.

iv. There shall be no open burning by any person of tree waste, vegetation, refuse or debris in any form;

v. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited;

vi. The use of motor vehicles is prohibited except in emergencies with the approval of local or State police.

7:27-12.6 (Reserved)

As amended, R.1974 d.125, effective May 20, 1974.
See: 6 N.J.R. 228(c).

SUBCHAPTER 13. AMBIENT AIR QUALITY STANDARDS

Authority

N.J.S.A. 26:2C-8.

Subchapter Historical Note

Adopted as R.1973 d.11, effective March 5, 1973. See: 4 N.J.R. 184(a), 5 N.J.R. 38(b).

7:27-13.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Ambient air quality standard" means a limit on the concentration of a contaminant in the general outdoor atmosphere, which cannot be exceeded without causing or tending to cause injury to human health, welfare, animal or plant life or property, or unreasonably interfering with the enjoyment of life and property, excluding all aspects of employer-employee relationship as to health and safety hazards.

"Arithmetic mean" means the sum of n numbers divided by n.