

Division of Air Quality
Air Quality Permitting Element
P.O. Box 027
Trenton, NJ 08625-0027

MEMORANDUM

TO: AQPP Permit Evaluators

FROM: John Preczewski, Assistant Director
Air Quality Permitting Program

SUBJECT: SOTA Applicability for Modified Sources

DATE: June 25, 2007

Inconsistencies related to the determination of State of the Art (SOTA) applicability for modified sources have come to my attention, specifically not all permit evaluators are requiring SOTA where applicable. This situation has proved problematic and must be addressed consistently by all AQPP Evaluators and Supervisors.

Criteria for SOTA applicability are twofold:

1. The application as proposed by the facility constitutes a modification as defined in N.J.A.C. 7:27-8.1 and N.J.A.C. 7:27-22.1. A modification is any physical change in, or change in the method of operation of, existing equipment or control apparatus that increases the amount of actual emissions of any air contaminant emitted by that equipment or control apparatus or that results in the emission of any air contaminant not previously emitted, and
2. The emissions of any criteria air pollutant exceeds five tons per year or the emission of any hazardous air pollutant (HAP) exceeds the threshold value listed at 42 U.S.C. §7412(g) for Title V permits or SOTA thresholds listed in Appendix I Table B of N.J.A.C. 7:27-8

Please note that the second criterion applies to all air contaminants that exceed the SOTA thresholds not just the air contaminants that are increasing. SOTA also applies regardless of any changes in the quantity of air contaminants proposed, increase, decrease or no changes. The second criterion is based on the total potential to emit (PTE) of the equipment or control device, not just the proposed change in emissions. Decreases in air contaminants where the PTE still exceed SOTA will remain subject to SOTA. Decreases in air contaminants where the PTE will be below SOTA thresholds will not be required to document SOTA for those air contaminants.

Staff is hereby directed to follow the guidance listed above.

c: W. O'Sullivan Director
Division of Air Quality
AQPP ListServ