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## **ENVIRONMENTAL PROTECTION**

### **AIR QUALITY, ENERGY, AND SUSTAINABILITY**

#### **DIVISION OF AIR QUALITY**

##### **Notice of Administrative Changes**

##### **Consumer Price Index Percentage Adjustments to Air Contaminant Emission Fees and Base and Supplementary Fee Schedules, and FY 2020 Threshold Dollar Amount for Reconstruction**

**Take notice** that, in accordance with N.J.A.C. 7:27-22.31(j), the New Jersey Department of Environmental Protection (Department) is publishing notice of the annual percentage increase in the Consumer Price Index (CPI) relative to the 1989 CPI and the resultant per-ton emission fee for fiscal year (FY) 2020. The Department is also providing notice, in accordance with N.J.A.C. 7:27-8.6(l), of the increase in the base and supplementary fees for a preconstruction permit and certificate and a general permit. Pursuant to N.J.A.C. 7:27-22.31(u), the Department is providing notice of the increase in base and supplementary fees for a significant modification to an operating permit, and the fee for a general operating permit. These fee increases are based on CPI percent change over the preceding five-year period. Finally, pursuant to N.J.A.C. 7:27-8.23(a)2, the Department is publishing notice of the threshold dollar amount for FY 2019 for reconstruction of a significant source operation.

##### **CPI Percentage Increase for Annual Emission Fee**

The CPI percentage increase is used to calculate the annual emission fee for major facilities. The CPI percentage increase is calculated each year using the procedure at N.J.A.C. 7:27-22.31(i). For FY 2020 (July 1, 2019 through June 30, 2020), N.J.A.C. 7:27-22.31(i) specifies using the average monthly CPI (CPI-U) for the 12-month period beginning September 2018 through August 2019. Monthly CPI-U data is

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published by the U.S. Department of Labor. Following the procedures at N.J.A.C. 7:27-22.31(i), the CPI percentage increase for FY 2020 is 1.90 percent, and the CPI has been calculated as 207.95 percent relative to the 1989 CPI.

An annual emission fee must be paid by each major facility subject to N.J.A.C. 7:27-22. The annual emission fee is calculated each year according to N.J.A.C. 7:27-22.31(b), which applies the CPI adjustment to the base amount per ton of emissions. This base amount is \$60.00 per ton (N.J.S.A. 26:2C-9.5.d(1)(a)). Applying the CPI adjustment since 1989 to the base amount of \$60.00 per ton results in an annual emission fee for FY 2020 of \$124.77. Therefore, a facility subject to this fee must multiply \$124.77 times the quantity of regulated air contaminant emissions emitted in tons during calendar year 2018 (January 1, 2018, through December 31, 2018). The result is the fee the facility must submit to the Department by January 31, 2020 for FY 2020.

Invoices will be mailed to major facilities based on emissions reported in the Emission Statement submitted for calendar year 2018. Even if a major facility has not submitted an Emission Statement or received an invoice, it is obligated to pay emission fees by the due date.

#### **CPI Adjusted Fees for Preconstruction Permits and Certificates, Operating Permit Significant Modifications, General Permits, and General Operating Permits**

The Department charges base and applicable supplementary fees for preconstruction permits and certificates, and a registration fee for general permits, as set forth in N.J.A.C. 7:27-8.6(l). Similarly, the Department charges base and applicable supplementary fees for significant modifications to an operating permit, as set forth in N.J.A.C. 7:27-22.31(y) and (z), and a general operating permit fee as set forth in N.J.A.C. 7:27-22.31(aa).

The fees are calculated every five-years according to N.J.A.C. 7:27-8.6(l) and N.J.A.C. 7:27-22.31(u), which apply an inflation factor based on the percent change over the preceding five-year period

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for the CPI-U. Following the procedures at N.J.A.C. 7:27-8.6(l) and N.J.A.C. 7:27-22.31(u), the CPI percentage increase is calculated as 7.9 percent, rounded to one decimal place. The fees are multiplied by the rounded percent increase to preliminary determine the fee increase. Each fee increase is then added to the fee to determine the preliminary adjusted fee. The final adjusted fee is determined by rounding up the preliminary adjusted fee to the next five dollars. The administrative changes in N.J.A.C. 7:27-8.6(l) and N.J.A.C. 7:27-22.31(u) below provide adjusted fees for the next five-year period, January 1, 2020 through December 31, 2024.

#### **CPI Percentage Increase for Threshold Dollar Amount for Reconstruction**

A reconstruction is a replacement of part(s) of a significant source included in a process unit, or the replacement of part(s) of a control apparatus, if the fixed capital cost of replacing the part(s) exceeds amounts specified in N.J.A.C. 7:27-8.23 and 22.1.

The CPI percentage increase for reconstruction of a significant source operation is calculated each year consistent with N.J.A.C. 7:27-8.23(a)2. Applying the CPI adjustment of 68.14 percent, relative to the 1995 CPI, to the base amount of \$80,000 results in the threshold dollar amount of \$134,512 for FY 2020. A facility must use this dollar amount when calculating reconstruction thresholds relative to fixed capital cost.

#### **Administrative Changes**

As a result of the adjustment of fees at N.J.A.C. 7:27-8.6 and 22.31, the Department is making administrative changes as follows:

At N.J.A.C. 7:27-8.6, A. Base Fee Tables and B. Supplementary Fee Schedule, the Department is updating the effective date of the fee schedules to indicate that the new effective period will be January 1, 2020 through December 31, 2024. At N.J.A.C. 7:27-22.31(y), (z), and (aa) the Department is revising the

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reference to the effective date of the fee schedules to indicate that the new effective period will be January 1, 2020 through December 31, 2024.

**Full text** of the rule changes follows (additions indicated in **boldface** thus; deletions indicated in brackets [thus]:

**Subchapter 8. Permits and Certificates for Minor Facilities (And Major Facilities Without an Operating Permit)**

**7:27-8.6 Service fees**

(a)-(k) No change.

(l)(1)-(8) No change.

**A. BASE FEE TABLES**

Table A-1

Registration fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
		[Beginning February 27, 2015] <b>January 1, 2020 through December 31, 2024</b>
Registration for initial authorization, or renewal of authorization, to act under a General Permit:		

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-Listed at N.J.A.C. 7:27-8.8(c), other than (c)12	Per registration	\$ [820.00] <b>885.00</b>
- Listed at N.J.A.C. 7:27-8.8(c)12	Per registration	\$ [820.00] <b>885.00</b>
Registration for initial authorization, or renewal of authorization, to operate a used oil space heater under N.J.A.C. 7:27-20.3	Per registration	\$ [820.00] <b>885.00</b>

Table A-2

Permit fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
		[Beginning February 27, 2015] <b>January 1, 2020 through December 31, 2024</b>
Application for a preconstruction permit and operating certificate	Per first piece of equipment per initial permit application	\$ [2,527] <b>2,730</b>
	Per each additional piece of equipment per initial permit application	\$ [590.00] <b>640.00</b>
Application for environmental improvement pilot test	Per application	\$ [842.00] <b>910.00</b>

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Renewal of an operating certificate	Per first piece of equipment per operating certificate	\$ [1,267.00] <b>1,370</b>
	Per each additional piece of equipment per operating certificate	\$ [338.00] <b>365.00</b>
Application for a preconstruction permit and operating certificate revision	Per first new or changed piece of equipment per permit revision application	\$ [2,527] <b>2,730</b>
	Per each additional new or changed piece of equipment per permit revision application	\$ [590.00] <b>640.00</b>
Application for a compliance plan change	Per application	\$ [842.00] <b>910.00</b>
Notice of a seven-day-notice change	Per notice	\$ [842.00] <b>910.00</b>

Table A-3

Notice of amendment fees

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
		[Beginning February 27, 2015] <b>January 1, 2020 through December 31, 2024</b>

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Change in identifying information under N.J.A.C. 7:27-8.21(b)1	Per facility	\$ [173.00] <b>190.00</b>
Transfer of ownership under N.J.A.C. 7:27-8.21(b)2	Per facility	\$ [173.00] <b>190.00</b>
Change in equipment or stack designation under N.J.A.C. 7:27-8.21(b)3	Per preconstruction permit and operating certificate amended	\$ [173.00] <b>190.00</b>
A change listed in N.J.A.C. 7:27-8.21(b)4, 5, 6, or 8	Per preconstruction permit and operating certificate amended	\$ [842.00] <b>910.00</b>
Correction of a typographical error under N.J.A.C. 7:27-8.21(b)7	Per preconstruction permit and operating certificate amended	\$ [173.00] <b>190.00</b>
Change in identifying information on a registration form as specified under N.J.A.C. 7:27-8.21(d)1	Per facility	\$ [173.00] <b>190.00</b>
Transfer of ownership of a registered facility under N.J.A.C. 7:27-8.21(d)2	Per facility	\$ [173.00] <b>190.00</b>

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## B. SUPPLEMENTARY FEE SCHEDULE

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
		[Beginning February 27, 2015] <b>January 1,</b>  <b>2020 through</b>  <b>December 31,</b>  <b>2024</b>
1. Prevention of Significant Deterioration		
a. Determine PSD Applicability	Per Review	\$ [8,417] <b>9,085</b>
b. Perform BACT Evaluation	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
2. Sub 18 Emission Offsets		
a. Determine Sub 18 Applicability	Per Review	\$ [8,417] <b>9,085</b>
b. Perform LAER Evaluation	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
3. RACT - AEL		
a. Review Technology	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
b. Prepare SIP Revision	Per SIP Revision	\$ [4,212] <b>4,545</b>
4. Perform MACT Evaluation	Per MACT Standard	\$ [2,527] <b>2,730</b>

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5. Perform NSPS Evaluation	Per NSPS	\$ [2,527] <b>2,730</b>
6. Perform SOTA Case-by-Case Evaluation	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
7. Public Comment		
a. Post Public Notices	Per Public Comment Period	\$ [842.00] <b>910.00</b>
b. Conduct Public Hearing	Per Hearing	\$ [8,417] <b>9,085</b>
c. Prepare Response to Comments	Per Response	\$ [425.00] <b>460.00</b>
Document	Maximum Per Document	\$ [8,417] <b>9,085</b>
8. Ambient Air Monitoring		
a. Review Protocol		
i. For criteria pollutants, or for other pollutants or parameters for which EPA has provided guidance	Per Protocol	\$ [2,527] <b>2,730</b>
ii. For other pollutants or parameters for which EPA has not provided guidance	Per Protocol	\$ [4,212] <b>4,545</b>
b. Inspect Monitoring Locations and Equipment Installation	Per Inspection	\$ [842.00] <b>910.00</b>
c. Review Quality Assurance Plan		

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i. For criteria pollutants, or for other pollutants or parameters for which EPA has provided guidance	Per Plan	\$ [2,527] <b>2,730</b>
ii. For other pollutants or parameters for which EPA has not provided guidance	Per Plan	\$ [4,212] <b>4,545</b>
d. Review Data	Per Required Report	\$ [842.00] <b>910.00</b>
e. Audit Equipment	Per Audit	\$ [842.00] <b>910.00</b>
9. Air Quality Impact Analysis – PSD		
a. Evaluate Protocol	Per Protocol	\$ [3,370] <b>3,640</b>
b. Review Screening Modeling	Per Review	\$ [1,685] <b>1,820</b>
c. Review Refined Modeling	Per Review	\$ [5,897] <b>6,365</b>
10. Air Quality Impact Analysis - non PSD		
a. Evaluate Protocol	Per Protocol	\$ [1,685] <b>1,820</b>
b. Review Screening Modeling	Per Review	\$ [1,685] <b>1,820</b>
c. Review Refined Modeling	Per Review	\$ [2,527] <b>2,730</b>
11. Risk Assessment		
a. Evaluate Protocol	Per Protocol	\$ [2,527] <b>2,730</b>
b. Review Risk Assessment	Per Review	\$ [2,527] <b>2,730</b>

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12. Testing		
a. Stack Test		
i. Evaluate Protocol (up to three probes)	Per Protocol Per Stack	\$ [1,267] <b>1,370</b>
ii. Evaluate Protocol (more than three probes)	Per Protocol Per Stack	\$ [1,685] <b>1,820</b>
iii. Review Testing Report (up to three probes)	Per Report Per Stack	\$ [1,267] <b>1,370</b>
iv. Review Testing Report (more than three probes)	Per Report Per Stack	\$ [1,685] <b>1,820</b>
b. Continuous Emission Monitors		
i. Evaluate Equipment Protocol	Per Protocol Per Stack	\$ [842.00] <b>910.00</b>
ii. Evaluate Performance Specification Test Protocol	Per Protocol Per Stack	\$ [842.00] <b>910.00</b>
iii. Review Testing Report	Per Report Per Stack	\$ [842.00] <b>910.00</b>
c. On-site Monitoring of Sample Collection Pursuant to an Approved Source-Specific Testing Protocol	Per Day Per Person	\$ [1,267] <b>1,370</b>
d. Periodic Monitoring Equipment Protocol	Per Protocol	\$ [425.00] <b>460.00</b>
13. Periodic Compliance Inspection	Per Inspection Per Certificate	\$ [677.00] <b>735.00</b>

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## Subchapter 22. Operating Permits

### 7:27-22.31 Fees

(a)-(x) No change

(y) Effective [February 27, 2015]**January 1, 2020 through December 31, 2024**, the adjusted Base Fee Schedule for significant modification applications shall be (y)1 through 4 below. Applications subject to the \$ 50,000 application fee in (y)4 below are not subject to (y)1 through 3 below and the supplementary fees at (z) below.

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
1. Application for a significant modification for which the change meets the definition of modification at N.J.A.C. 7:27-22.1, and for which a PSD or N.J.A.C. 7:27-18 applicability determination is not required	Per first new or changed piece of equipment per significant modification application	\$ [2,527] <b>2,730</b>
Per each additional new or changed piece of equipment per significant modification application		\$ [590.00] <b>640.00</b>
2. Application for a significant modification in which the change does not meet the definition of modification at N.J.A.C. 7:27-22.1	Per significant modification application	\$ [842.00] <b>910.00</b>
3. Application for environmental improvement pilot test	Per application	\$ [842.00] <b>910.00</b>
4. Application for a significant modification for which the change meets the definition of modification at N.J.A.C. 7:27-22.1 and for which a	Per application	\$ 50,000

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PSD or N.J.A.C. 7:27-18 applicability determination

is required

- (z) Effective [February 27, 2015]**January 1, 2020 through December 31, 2024**, the adjusted Supplementary Fee Schedule for significant modification applications shall be (z)1 through 12 below.

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
1. Prevention of Significant Deterioration		
a. Determine PSD Applicability		
i. Screen for PSD Applicability	Per Applicable Air Contaminant	Included in N.J.A.C.
ii. Determine PSD	Per Review	7:27-22.31(y)4
b. Perform BACT Evaluation	Per Applicable Air Contaminant	
2. Sub 18 Emission Offsets		
a. Determine Sub 18 Applicability	Per Review	Included in
b. Perform LAER Evaluation	Per Applicable Air Contaminant	N.J.A.C.
		7:27-22.31(y)4
3. RACT – AEL		
a. Review Technology	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
b. Prepare SIP Revision	Per SIP Revision	\$ [4,212] <b>4,545</b>
4. Perform MACT Evaluation	Per MACT Standard	\$ [2,527] <b>2,730</b>

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5. Perform NSPS Evaluation	Per NSPS	\$ [2,527] <b>2,730</b>
6. Perform SOTA Case-by-Case Evaluation	Per Applicable Air Contaminant	\$ [8,417] <b>9,085</b>
7. Public Comment		
a. Post Public Notices	Per Public Comment Period	\$ [842.00] <b>910.00</b>
b. Conduct Public Hearing	Per Hearing	\$ [8,417] <b>9,085</b>
c. Prepare Response to Comments Document	Per Response Maximum	\$ [425.00] <b>460.00</b>
	Per Document	\$ [8,417] <b>9,085</b>
8. Ambient Air Monitoring		
a. Review Protocol		
i. For criteria pollutants or for other pollutants or parameters for which EPA has provided guidance	Per Protocol	\$ [2,527] <b>2,730</b>
ii. For other pollutants or parameters for which EPA has not provided guidance	Per Protocol	\$ [4,212] <b>4,545</b>
b. Inspect Monitoring Locations and Equipment Installation	Per Inspection	\$ [842.00] <b>910.00</b>
c. Review Quality Assurance Plan		
i. For criteria pollutants or for other pollutants or parameters for which EPA has provided guidance	Per Plan	\$ [2,527] <b>2,730</b>
ii. For other pollutants or parameters for	Per Plan	\$ [4,212] <b>4,545</b>

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which EPA has not provided guidance

d. Review Data	Per Required Report	\$ [842.00] <b>910.00</b>
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e. Audit Equipment	Per Audit	\$ [842.00] <b>910.00</b>
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#### 9. Air Quality Impact Analysis - PSD

a. Evaluate Protocol	Per Protocol	Included in
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b. Review Screening Modeling	Per Review	N.J.A.C.
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c. Review Refined Modeling	Per Review	7:27-22.31(y)4
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#### 10. Air Quality Impact Analysis-non PSD

a. Evaluate Protocol	Per Protocol	\$ [1,685] <b>1,820</b>
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b. Review Screening Modeling	Per Review	\$ [1,685] <b>1,820</b>
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c. Review Refined Modeling	Per Review	\$ [2,527] <b>2,730</b>
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#### 11. Risk Assessment

a. Evaluate Protocol	Per Protocol	\$ [2,527] <b>2,730</b>
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b. Review Risk Assessment	Per Review	\$ [2,527] <b>2,730</b>
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#### 12. Testing

##### a. Stack Test

i. Evaluate Protocol (up to three probes)	Per Protocol Per Stack	\$ [1,267] <b>1,370</b>
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ii. Evaluate Protocol (more than three probes)	Per Protocol Per Stack	\$ [1,685] <b>1,820</b>
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iii. Review Testing Report (up to three probes)	Per Report Per Stack	\$ [1,267] <b>1,370</b>
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iv. Review Testing Report (more than three probes)	Per Report Per Stack	\$ [1,685] <b>1,820</b>
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b. Continuous Emission

Monitors

i. Evaluate Equipment Protocol	Per Protocol Per Stack	\$ [842.00] <b>910.00</b>
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ii. Evaluate Performance Specification Test Protocol	Per Protocol Per Stack	\$ [842.00] <b>910.00</b>
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iii. Review Testing Report	Per Report Per Stack	\$ [842.00] <b>910.00</b>
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c. On-site Monitoring of Sample Collection Pursuant to an Approved Source-Specific Testing Protocol	Per Day Per Person	\$ [1,267] <b>1,370</b>
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d. Periodic Monitoring Equipment Protocol	Per Protocol	\$ [425.00] <b>460.00</b>
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(aa) Effective [February 27, 2015]**January 1, 2020 through December 31, 2024**, the adjusted fee schedule for a registration is set forth at (aa)1 and 2 below.

<u>Activity</u>	<u>Basis</u>	<u>Amount</u>
1. Registration for initial authorization, or renewal of authorization, to act under a General Operating Permit	Per Registration	\$ [820.00] <b>885.00</b>
2. Registration for, or five-year renewal of, authorization to operate a used oil space heater under N.J.A.C. 7:27-20.3	Per Registration	\$ [820.00] <b>885.00</b>