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57 NJR 1(2)  
January 21, 2025  
**Filed January 3, 2025**

## **ADOPTIONS SECTION**

### **ENVIRONMENTAL PROTECTION**

#### **OFFICE OF THE COMMISSIONER**

##### **Notice of Administrative Correction**

##### **Environmental Justice**

##### **N.J.A.C. 7:1C-7.1**

Effective Date: December 18, 2024.

**Take notice** that the Department of Environmental Protection (Department) has found a cross-reference error at N.J.A.C. 7:1C-7.1(c). At N.J.A.C. 7:1C-7.1(c), there is a reference to "each contaminant identified at N.J.A.C. 7:27-7.1(b)." The identified contaminants are codified at N.J.A.C. 7:1C-7.1(a). The cross-reference to N.J.A.C. 7:27-7.1(b) is corrected to "(a) above."

**Take notice** that the Department discovered an obvious error at N.J.A.C. 7:1C-7.1(a)2. Specifically, there is an incorrect reference to trisodium phosphate where the Department lists the threshold of air contaminants that would trigger the localized impact control technology standard. Trisodium phosphate is not identified as an air contaminant subject to regulation in any of the relevant subchapters at N.J.A.C. 7:27, Air Pollution Control. Rather, trisodium phosphate, also known as "sodium phosphate, tribasic," is defined as a colorless or white crystal that has multiple uses, including, but not limited to uses in photographic developers, softening water, and laundry. See Merck Index, 11th Ed.

N.J.A.C. 7:1C-7.1(a)2 was intended to be a list of air contaminants already regulated by the Department. Specifically, the list (other than the reference to trisodium phosphate) consists of

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criteria pollutants that are subject to regulation in a number of subchapters at N.J.A.C. 7:27, Air Pollution Control, and whose emissions have the potential to affect national and State ambient air quality standards: carbon monoxide, nitrogen oxide, PM10, PM2.5, sulfur dioxide, and volatile organic compounds. See N.J.A.C. 7:27-8, 18, and 22. The one criteria pollutant not listed at N.J.A.C. 7:1C-7.1(a)2 is “total suspended particulate matter,” which is frequently represented by the acronym “TSP.” The Department believes that when the draft of the rule text was finalized, the acronym “TSP” was incorrectly revised to trisodium phosphate instead of total suspended particulate matter. For accuracy, this notice of administrative correction removes the incorrect reference to a trisodium phosphate, a substance not previously regulated pursuant to the Air Pollution Control rules, and adds the correct reference to a criteria pollutant known as total suspended particulate matter, which is consistent with the other pollutants listed at N.J.A.C. 7:1C-7.1(a)2.

The Department has requested, and the Office of Administrative Law has agreed to, such correction be made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

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

## SUBCHAPTER 7. LOCALIZED IMPACT CONTROL TECHNOLOGY FOR NEW OR EXPANDED MAJOR SOURCE FACILITIES

7:1C-7.1 Localized impact control technology for new or expanded major source facilities  
(a) For a new major source facility that serves a compelling public interest pursuant to N.J.A.C. 7:1C-4.1, or an expansion of an existing major source facility, if an application proposes

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construction, installation, reconstruction, or modification of equipment and control apparatus that is a significant source operation, as defined at N.J.A.C. 7:27-8.1, meeting the following criteria, the applicant shall document Localized Impact Control Technology (LICT) for the source:

1. (No change.)

2. The facility has a potential to emit carbon monoxide, nitrogen oxide, inhalable particles with diameters that are generally 10 micrometers and smaller, fine inhalable particles with diameters that are generally 2.5 micrometers and smaller, sulfur dioxide, [trisodium phosphate] **total suspended particulate matter**, total volatile organic compounds, or any other air contaminant or category of air contaminant not covered at (a)1 above at a rate individually equal to or greater than the five tons per year.

(b) (No change.)

(c) An applicant shall document compliance with the LICT standard determined through a top-down approach. To perform a top-down LICT demonstration, the applicant shall:

1. Identify and evaluate a list of air pollution control technologies or measures that may be applied to the source to reduce each contaminant identified at [N.J.A.C. 7:27-7.1(b)] **(a) above**. This list shall not be limited to measures that have been applied to other existing sources in this same source category and shall include measures applied to sources in similar source categories, as well as innovative control technologies, modification of the process or process equipment, other pollution prevention measures, and combinations of the above measures.

2.-3. (No change.)

(d)-(e) (No change.)