

## Environmental Protection Agency

## § 52.1570

Portsmouth (SE), New Hampshire moderate 8-hour ozone nonattainment area.

[67 FR 18497, Apr. 16, 2002, as amended at 67 FR 72576, Dec. 6, 2002; 73 FR 14388, Mar. 18, 2008; 74 FR 8867, Feb. 27, 2009]

### Subpart FF—New Jersey

#### § 52.1570 Identification of plan.

(a) Title of plan: “New Jersey State Implementation Plan to meet National Air Quality Standards.”

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Miscellaneous non-regulatory additions to the plan submitted on April 17, 1972, by the New Jersey Department of Environmental Protection.

(2) List of permits issued to sources allowing them particulate emissions in excess of 25 tons per year submitted on May 15, 1972, by the New Jersey Department of Environmental Protection.

(3) Legal opinion of State Attorney General on State’s authority to make available to the public emission data reported by sources submitted on June 23, 1972, by the New Jersey Department of Law and Public Safety.

(4) Copies of the permits and certificates issued to sources exceeding 25 tons per year of particulate emissions submitted on July 6, 1972, by the New Jersey Department of Environmental Protection.

(5) Revisions correcting deficiencies in the new source review procedure submitted on March 22, 1973, by the Governor.

(6) Legal opinion of the State Attorney General on the State’s authority to deny a permit to construct or modify a source submitted on April 18, 1973, by the New Jersey Department of Environmental Protection.

(7) Revision to sulfur-in-fuel regulation, section 7:1-3.1 of New Jersey Air Pollution Control Code, submitted on November 20, 1973, by the New Jersey Department of Environmental Protection.

(8) Revision to the control of open burning regulation, section 7:27-2.1 of the New Jersey Air Pollution Control Code, submitted on November 19, 1975, by the New Jersey Department of Environmental Protection.

(9) Letter, dated January 16, 1976, from the New Jersey Department of Environmental Protection stating that there would be no net increase in hydrocarbon emissions as a result of the revisions to N.J.A.C. 7:27-2.1.

(10) Regulation entitled: “Control and Prohibition of Air Pollution by Volatile Organic Substances,” New Jersey Administrative Code (N.J.A.C.) 7:27-16.1 et seq., submitted on January 8, 1976 by the New Jersey Department of Environmental Protection.

(11) Technical justification supporting N.J.A.C. 7:27-16 et seq. submitted on March 3, 1976.

(12) Revisions consisting of 16 administrative orders issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a) and technical support for these orders received on April 27, 1976 from the New Jersey Department of Environmental Protection.

(13) An administrative order directed to Hunt-Wesson Foods, Inc. in Bridgeton, Cumberland County and issued pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a), dated June 15, 1976, and technical support for this order received by EPA on April 27, 1976, both from the New Jersey Department of Environmental Protection.

(14) Revision to the Permits and Certificates regulation of the New Jersey Air Pollution Control Code, N.J.A.C. 7:27-8.1 et seq., submitted on June 8, 1976 by the New Jersey Department of Environmental Protection.

(15) Revision consisting of an administrative order issued on September 14, 1976 to Owens Illinois, Inc., Cumberland County, New Jersey pursuant to the New Jersey Administrative Code (N.J.A.C.) 7:27-9.5(a) and submitted on September 17, 1976 by the New Jersey Department of Environmental Protection.

(16) A revision submitted by the New Jersey Department of Environmental Protection consisting of an October 27, 1976 letter indicating the extension, to July 12, 1977, of “variances” to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 et seq., Sulfur in Fuel, for 18 facilities; and supplemental technical information

§ 52.1570

40 CFR Ch. I (7-1-09 Edition)

submitted in a November 22, 1976 letter. The extended "variances" including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these "variances", their location and applicable sulfur in fuel oil limitation until July 12, 1977 are as follows:

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp .....	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz-USA .....	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp ...	Salem City, Salem County.	2.0
Atlantic City Electric Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc ....	Salem City, Salem County.	2.0
Atlantic City Electric B. L. England Station.	Beesley Point, Cape May County.	2.0
Hunt Wesson Foods, Inc.	Bridgeton City, Cumberland County.	2.5
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries .....	Bridgeton City, Cumberland County.	2.5
Owens Illinois, Inc .....	.....do .....	1.5
Progresso Food Corp ...	Vineland City, Cumberland County.	2.5
Bridgeton Dying & Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Whitehead Bros. Co .....	Haleyville, Cumberland County.	2.5
Vineland Chemical Co ..	Vineland City, Cumberland County.	2.5

(17) A revision submitted by the New Jersey Department of Environmental Protection consisting of a January 10, 1978 letter indicating the extension, to July 12, 1978, of "variances" to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 et seq., Sulfur in Fuel, for 17 facilities and accompanying supplemental information. The extended "variances" including all their terms and conditions are made a part of the New Jersey State implementation plan. The facilities affected by these "variances," their locations, and applicable sulfur-in-fuel-oil limitations until July 12, 1978 are as follows:

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp .....	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz-U.S.A .....	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp ...	Salem City, Salem County.	2.0
Atlantic City Electric, Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc ....	Salem City, Salem County.	2.0
Atlantic City Electric, B. L. England Station.	Beesley Point, Cape May County.	2.0
Kerr Glass Manufacturing Corp.	Millville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries .....	Bridgeton, Cumberland County.	2.5
Progresso Food Corp ...	Vineland City, Cumberland County.	2.5
Bridgeton Dyeing & Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Vineland Chemical Co ..	Vineland City, Cumberland County.	2.5
Hunt-Wesson Foods, Inc.	Bridgeton, Cumberland County.	2.5
Owens Illinois, Inc .....	.....do .....	1.5

(18) A revision submitted by the New Jersey Department of Environmental Protection consisting of a June 26, 1978 letter indicating the extension, to January 12, 1979 or until such time as the State places into effect revised permanent sulfur-in-fuel-oil regulations, of "variances" to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 et seq., Sulfur in Fuel, for 17 facilities and accompanying supplemental information. The extended "variances" including all their terms and conditions are made a part of the New Jersey State Implementation Plan. The facilities affected by these "variances", their locations, and applicable sulfur-in-fuel-oil limitations until January 12, 1979 or until such time as the State places into effect and EPA approves revised permanent sulfur-in-fuel-oil regulations are as follow:

**Environmental Protection Agency**

**§ 52.1570**

Source	Location	Sulfur in fuel oil limitation (percent by weight)
National Bottle Corp .....	Salem City, Salem County.	2.0
E. I. du Pont de Nemours & Co.	Deepwater, Salem County.	1.5
Heinz—U.S.A .....	Salem City, Salem County.	2.0
B. F. Goodrich Chemical Co.	Pedricktown, Salem County.	1.5
Anchor Hocking Corp ...	Salem City, Salem County.	2.0
Atlantic City Electric, Deepwater Station.	Penns Grove, Salem County.	1.5
E. I. du Pont de Nemours & Co.	Carney's Point, Salem County.	1.5
Mannington Mills, Inc .....	Salem City, Salem County.	2.0
Atlantic City Electric, B. L. England Station.	Beesley Point, Cape May County.	2.0
Kerr Glass Manufacturing Corp.	Milville City, Cumberland County.	2.5
Owens Illinois, Inc., Kimble Products Division.	Vineland City, Cumberland County.	2.5
Leone Industries .....	Bridgeton, Cumberland County.	2.5
Progresso Food Corp ...	Vineland City, Cumberland County.	2.5
Bridgeton Dyeing and Finishing Corp.	Bridgeton City, Cumberland County.	2.5
Vineland Chemical Co ..	Vineland City, Cumberland County.	2.5
Hunt-Wesson Foods, Inc.	Bridgeton, Cumberland County.	2.5
Owens Illinois, Inc .....	.....do .....	1.5

(19) A revision submitted by the New Jersey Department of Environmental Protection on July 6, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-10.1 *et seq.*, *Sulfur in Coal*, and accompanying supplemental information.

(20) A revision consisting of all but one of the sections of the revised regulation, N.J.A.C. 7:27-6.1 *et seq.*, submitted by the New Jersey Department of Environmental Protection with a March 31, 1977 cover letter which also transmitted the basis and background document and the Report of the Public Hearing. The one section that is not approved as submitted by the State is Section 6.5, "Variances."

(21) A revision submitted by the New Jersey Department of Environmental Protection on August 10, 1978 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 *et seq.*, *Sulfur in Fuels*, and accompanying supplemental information.

(22) A comprehensive revision for nonattainment areas entitled, "Proposed New Jersey State Implementation Plan for the Attainment and Maintenance of Air Quality Standards," submitted, as required by Part D of the Clean Air Act, on December 29, 1978 by the New Jersey Department of Environmental Protection.

(23) Supplementary submittals, pertaining to the plan revision for nonattainment areas required by Part D of the Clean Air Act, from the New Jersey Department of Environmental Protection as follows:

A package dated April 17, 1979 from the New Jersey Department of Environmental Protection to EPA entitled, "N.J. SIP Supplement 1," and covering the State's schedule for future actions, expected costs and sources of funding, ongoing consultation process, graphical representation of reasonable further progress, schedule for promulgation of emission offset rule, commitment to adoption of tall stack policy and comments on EPA's proposed tall stack policy, discussion and schedule for resolution of the Bridgeton particulate downwash problem, summary of particulate emissions inventories for non-attainment areas, request for extension for submittal of SIP for secondary TSP standard, and expanded explanation of current I/M program.

A Supplement 2 to the proposed SIP revision consisting of a cover letter dated June 20, 1979 and four attachments from the New Jersey Department of Environmental Protection to EPA covering a proposed version of the State's new source review regulation, a discussion of reasonable further progress with respect to volatile organic substance sources, the design values for ozone in the Metropolitan New York and Metropolitan Philadelphia Interstate Air Quality Control Regions, and a proposed version of the State's regulation for the control of volatile organic substances (VOS).

A submittal dated July 5, 1979 from the New Jersey Department of Environmental Protection to EPA covering the State's draft regulation controlling VOS, operating and maintenance procedures for open top tanks and surface cleaners covered under the State's draft VOS control regulation, and evaporative losses from VOS storage tanks.

A package consisting of a cover letter dated October 3, 1979 from the New Jersey Department of Environmental Protection to EPA and an accompanying report covering an analysis of the Bridgeton particulates downwash problem and the State's effort to execute memoranda of understanding with its Metropolitan Planning Organization.

A cover letter received by EPA dated October 19, 1979 from the New Jersey Department of Environmental Protection together with the State's adopted regulation for control of VOS, N.J.A.C. 7:27-16.1 *et seq.*, and "Report of Public Hearing and Basis for promulation .

A package consisting of a letter dated January 9, 1980 from the New Jersey Department of Environmental Protection to EPA covering the conditions on SIP approval which were listed by EPA in the proposed rule-making notice for the SIP revision and four references covering the October 3, 1979 Bridgeton particulates analysis, an updated Bridgeton particulates analysis, and an energy analysis of certain VOS controls called for in N.J.A.C. 7:27-16.1 *et seq.* justifying the State's position on seasonal variances for certain VOS sources.

(24) A supplementary submittal, dated February 27, 1980 from the New Jersey Department of Environmental Protection consisting of five memoranda of understanding among the New Jersey Departments of Environmental Protection and Transportation and the following metropolitan planning organizations:

Atlantic County Urban Area Transportation Study  
Cumberland County Urban Area Transportation Study  
Delaware Valley Regional Planning Commission  
Philipsburg Urban Area Transportation Study  
Wilmington Metropolitan Area Planning Council

(25) Supplementary submittals, dated March 5, April 9 and April 10 from the New Jersey Department of Environmental Protection consisting of test methods to be used in determining compliance with the provisions of N.J.A.C. 7:27-16.1 *et seq.*, "Control and Prohibition of Air Pollution by Volatile Organic Substances."

(26) A supplementary submittal, dated April 22, 1980, from the New Jersey Department of Environmental Protection and the New Jersey Department of Transportation consisting of three documents entitled "The Transportation Planning Process in New Jersey," "Summary of Financial Resources for Transportation-Air Quality Planning," and "Program for Selection of Needed Transportation Control Measures, April 1980."

(27) A supplementary submittal dated August 5, 1980 from the New Jersey De-

partment of Environmental Protection consisting of revisions to Subchapter 18 of the New Jersey Administrative Code, entitled, "Control and Prohibitions of Air Pollution from Ambient Air Quality in Nonattainment Areas" (Emission Offset Rule), N.J.A.C. 7:27-18.1 *et seq.*

(28) A supplementary submittal from the State of New Jersey Department of Environmental Protection, consisting of an Ambient Air Quality Monitoring SIP revision dated August 1.

(29) A June 30, 1980 submittal by the New Jersey Department of Environmental Protection (NJDEP) consisting of an Amended Consent Order entered into by NJDEP and the Atlantic City Electric Company. This revision to the New Jersey State Implementation Plan establishes a construction and testing schedule designed to bring units 1 and 2 at Atlantic City Electric Company's B.L. England Generating Station at Beesley's Point, New Jersey, into compliance with New Jersey Administrative Code (N.J.A.C.) 7:27-3.1 *et seq.*, Control and Prohibition of Smoke from Combustion of Fuel; N.J.A.C. 7:27-4.1 *et seq.*, Control and Prohibition of Particulates from Combustion of Fuel; and N.J.A.C. 7:27-10.1 *et seq.*, Sulfur in Coal, by March 31, 1982 and June 1, 1982, respectively.

(30) A supplementary submittal dated April 27, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to a regulation concerning the Control and Prohibition of Open Burning, N.J.A.C. 7:27-21 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(31) A supplementary submittal dated July 8, 1981, from the New Jersey Department of Environmental Protection consisting of newly adopted revisions to Subchapter 10, Sulfur in Solid Fuels, N.J.A.C. 7:27-10.1 *et seq.*, an Order of Adoption, the Report of Public Hearing, and the Basis for the Proposed Amendments.

(32) Revisions submitted on March 17, 1982 and April 27, 1982 by the New Jersey State Department of Environmental Protection which grant "cullet variances" to furnace number 2 of the Anchor Hocking Corporation's Salem

## Environmental Protection Agency

§ 52.1570

plant and furnaces G, Y, J, K, L, M, R of the Owens-Illinois, Inc. Vineland plant. The "cullet variances" will remain in effect for up to two years from August 10, 1982.

(33) A revision submitted by the New Jersey Department of Environmental Protection on December 16, 1982 consisting of amendments to the provisions of the New Jersey Administrative Code (N.J.A.C.) 7:27-9.1 *et seq.*, *Sulfur in Fuels*, to provide for "sulfur dioxide bubbles" and "clean conversion incentives."

(34) Revisions to the New Jersey State Implementation Plan submitted on November 23, 1982, January 18, 1983, February 14, 1983, July 11, 1983, July 28, 1983 and September 26, 1983 by the New Jersey Department of Environmental Protection.

(35) A supplementary submittal dated July 11, 1983, from the Department of Environmental Protection consisting of adopted revisions to: Subchapter 3—"Control and Prohibition of Smoke from Combustion of Fuel," dated October 12, 1977, Subchapter 4—"Control and Prohibition of Particles from Combustion of Fuel," dated October 12, 1977, and Subchapter 5—"Prohibition of Air Pollution," dated October 12, 1977, of Title 7, Chapter 27 of the New Jersey Administrative Code; the proposed Regulatory Amendments; the Report of the Public Hearing; and the Order of Adoption.

(36) A revision submitted by the New Jersey Department of Environmental Protection to allow U.S. Gypsum Co. temporarily to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2, or #3 at its Clark, New Jersey plant. The New Jersey submittal consists of an April 14, 1983 letter transmitting a State issued February 14, 1983 Public Notice and a letter dated March 14, 1983 transmitting an Administrative consent order detailing procedures to be used by the State to determine compliance. This revision will remain in effect until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first.

(37) Three permanently adopted regulations were submitted on January 27, 1984 and February 1, 1984 regarding the operation of the inspection and maintenance

program. These regulations pertain specifically to operating procedures for private inspection stations (New Jersey Administrative Code (N.J.A.C.) 13:20-33.1, 33.2, 33.50, and 33.51.), mechanic certification requirements (N.J.A.C. 13:20-32.4, 32.14, and 32.15), and specifications for exhaust gas analyzers (N.J.A.C. 7:27-15.1).

(38) The New Jersey State Implementation Plan for attainment and maintenance of the lead standards was submitted on May 1 and August 15, 1984, and on April 22, April 29, May 17, and July 16, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporated by reference.

(A) Revisions to N.J.A.C. 7:27-8, "Permits and Certificates," effective April 5, 1985.

(B) Revisions to N.J.A.C. 7:27-13, "Ambient Air Quality Standards," effective June 25, 1985.

(C) Revisions to N.J.A.C. 7:27-18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule)," effective March 11, 1985.

(D) A July 16, 1985 letter from the Department of Environmental Protection; with attachment of letter dated July 15, 1985, contains schedules for revising N.J.A.C. 7:27-6, "Control and Prohibition of Particles from Manufacturing Process," to incorporate maximum allowable emission rates for lead and for adopting a new section, N.J.A.C. 7:27-19, to govern the combustion of liquid fuels, if necessary.

(E) "RACT-plus studies" to determine strategies to eliminate violation of the lead standards in the vicinity of Heubach, Inc., Newark and Delco Remy, New Brunswick will be completed by November 1, 1985 and control measures will be selected by January 1986.

(ii) Additional material.

(A) Narrative submittal of the Lead SIP, including attainment demonstration, air quality data and summary of both current and projected lead emissions.

(39) A revision to the plan for attainment of the particulate matter standards submitted by the New Jersey Department of Environmental Protection on February 21, March 14, and November 18, 1985.

§ 52.1570

40 CFR Ch. I (7-1-09 Edition)

(i) Incorporation by reference.

(A) Revisions to N.J.A.C. 7:27-14, "Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles," effective July 1, 1985.

(B) Adoption of a new section of N.J.A.C. 7:27B-4 entitled "Air Test Method 4, Testing Procedures for Motor Vehicles," effective July 1, 1985.

(C) The following sections of N.J.A.C. 16:53 "Autobus Specifications which was effective on October 17, 1983:

*Subchapter 3, Autobus Specifications*

- 3.23 Certificate of Inspection
- 3.24 Maintenance and inspection
- 3.27 Exhaust Systems

*Subchapter 6, Autobus Specifications for Small Bus*

- 6.15 Exhaust System
- 6.21 Certificate of Inspection
- 6.30 Maintenance and inspection

*Subchapter 7, Specifications for Special Autobus Type Recreational Vehicles*

- 7.14 Exhaust Systems
- 7.17 Certificate of Inspection
- 7.23 Maintenance and inspection

*Subchapter 8, Specifications for Sedan Type Autobuses*

- 8.15 Exhaust System
- 8.22 Certificate of Inspection
- 8.25 Maintenance and inspection

(40) A revision to the New Jersey State Implementation Plan for attainment and maintenance of the ozone standards was submitted on April 22, 1985 by the New Jersey Department of Environmental Protection.

(i) Incorporated by reference.

(A) Table 2 in section 18.4(b) of N.J.A.C. 7:27-18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rule)," effective March 11, 1985.

(41) A revision to the New Jersey State Implementation Plan (SIP) for lead was submitted on December 1, 1986, by the New Jersey Department of Environmental Protection.

(i) Incorporated by reference.

(A) The following operating permit amendments for the Delco Remy facility in New Brunswick:

Permit amendment numbers	Permit amendment dates
286-1166 through 286-1184	All permits effective 9/24/86.

(B) The following operating permit amendments for the Heubach Inc. facility in Newark:

Permit amendment numbers	Permit amendment dates
286-0523 through 286-0531	All permits effective 4/30/86.
286-0286, 286-0287, 286-0289, 286-0290.	All permits effective 2/26/86.

(ii) Additional material.

(A) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Delco Remy, New Brunswick.

(B) Technical documentation of ambient modeling and monitoring for lead in the vicinity of Heubach Inc., Newark.

(42) A revision to the New Jersey State Implementation Plan (SIP) for lead submitted on July 23, 1987 by the New Jersey Department of Environmental Protection (NJDEP) and finalized on September 25, 1987.

(i) Incorporation by reference.

(A) A March 4, 1986 Administrative Order and Notice of Civil Administrative Penalty Assessment (Log # A860244) from the New Jersey Department of Environmental Protection to the United States Metals Refining Company (USMR).

(B) Letter of March 11, 1987 from Greenberg and Prior, attorneys for USMR, to Anthony J. McMahon, Department of Environmental Protection, Trenton, New Jersey.

(ii) Additional material.

(A) July 1987 Modeling Analysis for the Anchor Abrasives facility.

(B) Summary of public comments and response to comments for the revision of the N.J. SIP for lead in the vicinity of USMR.

(C) USMR's comments on the revised N.J. SIP for lead in the vicinity of USMR.

(43) [Reserved]

(44) A revision to the State Implementation Plan for Ozone submitted on October 13, 1987 by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference.

Subchapter 2A of chapter 26, title 7 of the New Jersey Administrative Code, "Additional, Specific Disposal Regulations for Sanitary Landfills," effective June 1, 1987.

(ii) Additional material.

## Environmental Protection Agency

§52.1570

New Jersey Department of Environmental Protection memorandum on landfill gas emissions and control, dated October 7, 1987.

(45) Revisions to the New Jersey State Implementation Plan (SIP) for ozone submitted on January 27, 1989 by the New Jersey State Department of Environmental Protection (NJDEP) for its state gasoline volatility program, including any waivers that may be granted under the program by the state. In 1989, the control period will begin on June 30.

(i) Incorporation by reference. Subchapter 25 of chapter 27, title 7 of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution by Vehicular Fuels," adopted on January 27, 1989 and effective on February 21, 1989.

(ii) Additional material. April 27, 1989 letter from Christopher Daggett, NJDEP, to William Muszynski, EPA Region II.

(46) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning motor vehicle refueling controls dated February 22, 1988, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to sections 16.1 and 16.3 of subchapter 16 of title 7 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," effective January 19, 1988.

(ii) Additional material:

(A) February 22, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(B) April 18, 1988 letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA, providing copies of the test methods and permit approval conditions applicable to Stage II vapor recovery systems in New Jersey.

(47) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the motor vehicle inspection and maintenance (I/M) program dated March 6, 1987, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to title 7, chapter 27, subchapter 15 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles," effective January 21, 1985.

(B) Amendments to title 13, chapter 20, subchapter 28 of the New Jersey Administrative Code, entitled "Enforcement Service Inspection of New Passenger Vehicles and New Motorcycles," effective January 21, 1985.

(ii) Additional material.

(A) July 24, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, submitting the results of the study by Pacific Environmental Services on the health risks of performing the fuel inlet restrictor inspections.

(B) July 1, 1990 letter from David West, NJDEP, to Rudolph Kapichak, EPA, notifying of the resumption of fuel inlet restrictor inspections.

(48) A revision submitted on June 3, 1988 by the New Jersey Department of Environmental Protection (NJDEP) to revise its implementation plan to include revised testing procedures.

(i) Incorporation by reference: New Jersey Administrative Code 7:27B-3, "Air Test Method 3—Sampling and Analytical Procedures for the Determination of Volatile Organic Substances from Source Operations," effective 9/8/86.

(ii) Additional material: October 15, 1990 letter from William O'Sullivan, NJDEP to William S. Baker, EPA.

(49) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of fugitive gasoline vapors resulting from the loading of marine transport vessels, dated June 20, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," effective February 6, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by

Volatile Organic Substances,” effective December 4, 1989.

(ii) Additional material.

(A) June 20, 1990, letter from Anthony J. McMahon, NJDEPE, to Conrad Simon, EPA, requesting EPA approval of the amendments to subchapter 16.

(50) Regulation entitled “Volatile Organic Substances in Consumer Products” N.J.A.C. 7-27-23.1 *et seq.*, dated July 30, 1990, submitted by the New Jersey Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference: (A) Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled “Volatile Organic Substances in Consumer Products” effective February 21, 1989.

(B) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled “Volatile Organic Substances in Consumer Products” effective December 12, 1989.

(C) Amendment to Title 7, Chapter 27, Subchapter 23 of the New Jersey Administrative Code, entitled “Volatile Organic Substances in Consumer Products” effective August 9, 1990.

(ii) Additional material: (A) July 30, 1990 letter from Anthony J. McMahon, NJDEPE, to Conrad Simon, EPA, requesting EPA approval of Subchapter 23.

(51) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated March 31, 1987, December 7, 1989, and March 13, 1992, submitted by the New Jersey State Department of Environmental Protection and Energy (NJDEPE).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, “Control and Prohibition of Air Pollution by Volatile Organic Substances,” effective September 22, 1986.

(B) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 16, “Control and Prohibition of Air Pollution by Volatile Organic Substances,” effective June 19, 1989.

(C) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code: Subchapter 8, “Permits and Cer-

tificates, Hearings, and Confidentiality,” effective March 2, 1992; Subchapter 16, “Control and Prohibition of Air Pollution by Volatile Organic Compounds,” effective March 2, 1992; Subchapter 17, “Control and Prohibition of Air Pollution by Toxic Substances,” effective March 2, 1992; Subchapter 23, “Prevention of Air Pollution by Architectural Coatings and Consumer Products,” effective March 2, 1992; Subchapter 25, “Control and Prohibition of Air Pollution from Vehicular Fuels,” effective March 2, 1992; and Subchapter 3, “Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations,” effective March 2, 1992.

(ii) Additional material.

(A) March 31, 1987, letter from Jorge Berkowitz, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(B) December 7, 1989, letter from Anthony McMahon, NJDEP, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(C) March 13, 1992, letter from Nancy Wittenberg, NJDEPE, to Conrad Simon, EPA requesting EPA approval of the amendments to Subchapter 16.

(52) Amendments submitted on April 21, 1993 by the New Jersey Department of Environmental Protection and Energy to New Jersey Air Code 7:27-25 revising the testing requirements to gasoline providers in New Jersey are subject.

(i) Incorporation by reference:

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 25, “Control and Prohibition of Air Pollution from Vehicular Fuels,” effective September 3, 1991.

(53) A revision to the New Jersey State Implementation Plan (SIP) for an Emission Statement Program dated February 19, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 21, of the New Jersey Administrative Code entitled, “Emission Statements,” effective March 15, 1993.

(ii) Additional information:



## Environmental Protection Agency

## § 52.1570

(A) May 24, 1993 letter from John Elston to Conrad Simon, EPA, transmitting supporting documentation necessary for approval of the SIP revisions. These items included:

(1) Notice of Adoption, March 15, 1993.

(2) Justification of Gasoline Dispensing Facility Exemption.

(B) October 29, 1993 letter from John Elston to Conrad Simon, EPA, transmitting legislative language to reflect change in New Jersey's Air Pollution Control Act regarding confidentiality provisions.

(C) February 3, 1994 letter from John Elston to Conrad Simon, EPA, requesting the use of EPA's Emission Statement waiver provision.

(54) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the control of carbon monoxide from mobile sources, dated November 15, 1992 and November 21, 1994 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Chapter 27, Title 7 of the New Jersey Administrative Code Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules)," effective March 15, 1993.

(ii) Additional material.

(A) November 21, 1994, Technical update to the New Jersey Carbon Monoxide SIP.

(55)-(56) [Reserved]

(57) The redesignation and maintenance plan for Camden County and the Nine not-classified areas (the City of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City) submitted by the New Jersey Department of Environmental Protection on September 28, 1995, as part of the New Jersey SIP. The 1990 Baseline CO Emission Inventory for the State of New Jersey was submitted on November 15, 1992 and a Technical Update was submitted on November 21, 1994.

(i) Incorporation by reference.

(A) "New Jersey Carbon Monoxide State Implementation Plan Redesigna-

tion And Maintenance Plan For Camden County," section 5.f, effective date September 28, 1995.

(B) "New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment Areas," section 5.f, effective date September 28, 1995.

(ii) Additional material.

(A) "New Jersey Carbon Monoxide State Implementation Plan Redesignation And Maintenance Plan For Camden County" with appendices, September 28, 1995.

(B) "New Jersey Carbon Monoxide State Implementation Plan Redesignation and Maintenance Plan for the Nine Not-Classified Nonattainment Areas" with appendices, September 28, 1995.

(58) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxygen content of motor vehicle gasoline, dated November 15, 1992 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Amendments to Chapter 27, Title 7 of the New Jersey Administrative Code Chapter 27, Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," effective October 5, 1992 (as limited in § 52.1605).

(59) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on May 26, 1995, November 8, 1995, January 10, 1996 and October 10, 1996.

(i) Incorporation by reference.

(A) Conditions of Approval Documents (COAD):

The following facilities have been issued conditions of approval documents by New Jersey:

(1) Edgeboro Disposal's landfill gas flares, Middlesex County, NJ COAD approval dated April 13, 1995, revised October 19, 1995 (effective November 6, 1995).

(2) E.I. duPont DeNemours and Co.'s carbon regeneration furnace, Salem County, NJ COAD approval dated June 7, 1995.

(3) Hoeganaes Corp.'s electric arc furnace and tunnel kiln, Burlington County, NJ COAD approval dated February 3, 1995.

(4) E.I. duPont DeNemours and Co.'s hazardous waste incinerator, Salem County, NJ COAD approval dated July 7, 1995.

(5) Rollins Environmental Services' hazardous waste incinerator, Gloucester County, NJ COAD approval dated May 25, 1995.

(6) American Ref-Fuel's Municipal Waste Incinerator, Essex County, NJ NO<sub>x</sub> RACT approval dated February 6, 1995.

(7) Union County Utilities Authority's Municipal Waste Incinerator, Union County; NJ NO<sub>x</sub> RACT approval dated May 10, 1994 with an attached permit to construct, operate, and a PSD permit dated December 29, 1989.

(8) PSE&G's Hudson Station Unit No. 2 utility boiler, Hudson County, NJ COAD approval dated May 9, 1995.

(9) Algonquin Gas Transmission Co.'s simple cycle combustion turbines, Morris County, NJ COAD approval dated March 31, 1995.

(10) Hoffmann-La Roche's combined cycle combustion turbines, Essex County, NJ COAD approval dated May 8, 1995.

(11) International Flavors and Fragrances' non-utility boiler Number 5, Monmouth County, NJ COAD approval dated June 9, 1995.

(12) Parsippany-Troy Hills Township Sewer Authority's sewage sludge incinerators, Morris County, NJ COAD approval dated October 13, 1995.

(13) Johnson Matthey's multi-chamber metals recovery furnace, Gloucester County, NJ COAD approval dated June 13, 1995.

(14) 3M Company's rotary kiln and dryers, Somerset County, NJ COAD approval dated May 4, 1995.

(15) Sandoz Pharmaceuticals Corporation's trash fired boiler, Morris County, NJ COAD approval dated March 23, 1995.

(16) General Motors Corporation's non-utility boiler (No.4), Mercer County, NJ COAD approval dated June 22, 1995.

(17) General Motors Corporation's Topcoat system, Union County, NJ COAD approval dated November 6, 1995.

(18) United States Pipe and Foundry Company's cupolas and annealing ovens (No. 2 and No. 3), Burlington County, NJ COAD approval dated October 16, 1995.

(19) Griffin Pipe Products Company's cupola and annealing furnace, Burlington County, NJ COAD approval dated December 14, 1995.

(20) Texas Eastern Transmission Corporation's internal combustion engines, Hunterdon County, NJ COAD approval dated May 9, 1995.

(21) Texas Eastern Transmission Corporation's internal combustion engines, Union County, NJ COAD approval dated May 9, 1995.

(ii) Additional information. Documentation and information to support NO<sub>x</sub> RACT facility-specific emission limits or alternative emission limits in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) May 26, 1995 for two SIP revisions;

(B) November 8, 1995 for eight SIP revisions;

(C) January 10, 1996 for ten SIP revisions; and

(D) October 10, 1996 for two SIP revisions.

(60) A revision to the New Jersey State Implementation Plan (SIP) for ozone for adoption of rules for application of reasonably available control technology (RACT) for oxides of nitrogen (NO<sub>x</sub>) dated November 15, 1993, submitted by the New Jersey Department of Environmental Protection and Energy.

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution from Oxides of Nitrogen," effective December 20, 1993.

(ii) Additional information:

(A) November 15, 1993 letter from Jeanne Fox, NJDEPE, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 19.

(61) [Reserved]

(62) Revisions to the New Jersey State Implementation Plan (SIP) for

## Environmental Protection Agency

## §52.1570

ozone concerning the control of volatile organic compounds from consumer and commercial products, dated January 25, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference.

(A) Title 7, Chapter 27, Subchapter 24, of the New Jersey Administrative Code entitled "Control and Prohibition of Volatile Organic Compounds from Consumer and Commercial Products" effective November 6, 1995.

(ii) Additional material.

(A) January 25, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 24.

(63) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds from stationary sources, dated November 15, 1993 and two revisions dated June 21, 1996 submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments effective December 20, 1993 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(B) Amendments effective June 20, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code: Subchapter 8, "Permits and Certificates" (sections 8.1 and 8.2), Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds," Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances," Subchapter 23, "Prevention of Air Pollution From Architectural Coatings and Consumer Products," and Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels." Amendments effective June 20, 1994 to Title 7, Chapter 27B, Subchapter 3 of the New Jersey Administrative Code Air Test Method 3—"Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds from Source Operations."

(C) Amendments effective December 5, 1994 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of

Air Pollution by Volatile Organic Compounds."

(D) Amendments effective May 15, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(E) Amendments effective July 17, 1995 to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds."

(ii) Additional material:

(A) November 15, 1993 letter from Jeanne Fox, NJDEP, to William J. Muszynski, EPA, requesting EPA approval of Subchapter 16.

(B) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapters 8, 16, 17, 23, 25 and Air Test Method 3.

(C) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of Subchapter 16.

(64) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on June 18, 1996, July 10, 1996, December 17, 1996 and May 2, 1997.

(i) Incorporation by reference.

(A) *Conditions of Approval Documents (COAD) or Facility Wide Permit*. The following facilities have been issued COADs or facility wide permits by New Jersey:

(1) Geon Company's direct-fired dryers, Salem County, NJ facility wide permit dated January 30, 1997. Incorporation by reference includes only the pages with permit limits related to the dryers.

(2) PQ Corporation/Industrial Chemicals' Sodium Silicate Furnace, Middlesex County, NJ COAD approval dated December 2, 1994.

(3) Air Products and Chemicals' Hazardous Waste Incinerator, Gloucester County, NJ COAD approval dated January 25, 1996.

(4) Stony Brook Regional Sewerage Authority's sewage sludge incinerators, Mercer County, NJ COAD approval dated October 27, 1995 and modified on May 16, 1996.

(5) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ COAD approval dated September 20, 1996.

(6) Atlantic States Cast Iron Pipe Company's cupola and annealing oven, Warren County, NJ COAD approval dated November 22, 1994.

(7) Warren County Resource Recovery Facility's Municipal Waste Incinerators, Warren County, NJ COAD dated August 1, 1996.

(8) Hercules Incorporated's Nitration System, Acid Concentrators, and Open Pit Burner, Union County, NJ COAD dated May 1, 1996.

(9) US Department of Navy, Naval Air Warfare Center Aircraft Division's jet engine test cells, Mercer County, NJ COAD approval dated October 31, 1995.

(10) Atlantic Electric Company's Utility Boiler #8, Salem County, NJ COAD approval dated February 25, 1997.

(11) U.S. Generating Company—Carnegys Point Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(12) U.S. Generating Company—Logan Generating Plant's auxiliary boiler, Salem County, NJ COAD approval dated February 2, 1996.

(13) Schering Corporation's heat recovery steam generator with duct burner, Union County, NJ COAD approval dated January 5, 1996.

(14) [Reserved]

(15) Elizabethtown Water Company's internal combustion engines, Somerset County, NJ COAD approval dated May 8, 1996.

(ii) Additional information—Documentation and information to support NO<sub>x</sub> RACT facility-specific emission limits, alternative emission limits, or repowering plan in four letters addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. dated:

(A) June 18, 1996 for four SIP revisions,

(B) July 10, 1996 for three SIP revisions,

(C) December 17, 1996 for five SIP revisions,

(D) May 2, 1997 for three SIP revisions.

(65) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting a New Jersey Clean Fleets program with Ozone Transport Commission Low Emission Vehicle (OTCLEV) program as an effective backstop, substituted for the Clean Fuel Fleet program, dated February 15, 1996, March 29, 1996, and March 6, 1997, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference. Title 7, Chapter 27, Subchapter 26, "Ozone Transport Commission Low Emission Vehicles Program," effective December 18, 1995.

(ii) Additional material.

(A) Letter dated February 15, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox transmitting first version of NJCF program.

(B) Letter dated March 29, 1996 from NJDEP Commissioner Shinn to Region 2 Administrator Jeanne M. Fox supplementing February 15, 1996 submittal.

(C) "SIP Revision for the Attainment and Maintenance of the Ozone National Ambient Air Quality Standards, New Jersey Clean Fleets (NJCF) SIP," March 6, 1997.

(1) NJCF Appendix D: "New Jersey Clean Fleets (NJCF) Program (1996 Action Plan Recommendations)."

(2) NJCF Appendix H: Response to Public Comments, NJCF Program, dated February 14, 1997.

(3) February 20, 1998 letter from Sharon Haas, Principal Environmental Specialist, NJDEP, to George Krumenacker, Transportation Services Specialist I, Bureau of Transportation Services, New Jersey Department of Treasury.

(4) March 25, 1998 Memo from Colleen Woods, Acting Director, Motor Vehicle Services, to Sharon Haas, Principal Environmental Specialist, NJDEP.

(66) A revision to the New Jersey State Implementation Plan (SIP) for ozone concerning revisions to the rule for requiring reasonably available control technology (RACT) for sources emitting oxides of nitrogen (NO<sub>x</sub>) dated March 24, 1995, submitted by the New Jersey Department of Environmental Protection.

(i) Incorporation by reference:

## Environmental Protection Agency

## §52.1570

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution from Oxides of Nitrogen," effective April 17, 1995.

(ii) Additional information:

(A) June 21, 1996 letter from Robert C. Shinn, Jr., NJDEP, to Jeanne M. Fox, EPA, requesting EPA approval of revisions to Subchapter 19.

(67) Revision to the New Jersey State Implementation Plan (SIP) for ozone, submitting amended New Jersey Ozone Transport Commission—Low Emission Vehicle (OTC-LEV) program, Opting into the National Low Emission Vehicle (National LEV) Program, dated February 22, 1999, submitted by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Title 7, Chapter 27, Subchapter 26, "Ozone Transport Commission—Low Emission Vehicles Program," effective March 1, 1999.

(ii) Additional information: Letter from the New Jersey Department of Environmental Protection Commissioner Shinn, dated February 22, 1999, submitting a revision to the New Jersey State Implementation Plan for the National Low Emission Vehicle program.

(68) Revisions to the New Jersey State Implementation Plan (SIP) for carbon monoxide concerning the oxyfuel program, dated August 7, 1998, submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference: Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels," effective August 17, 1998 (as limited in section 52.1605).

(69) A revision to the State Implementation Plan submitted on April 26, 1999 and supplemented on July 31, 2000 by the New Jersey Department of Environmental Protection that establishes the NO<sub>x</sub> Budget Trading Program.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 31, of the New Jersey Administrative code entitled "NO<sub>x</sub> Budget Program" adopted on June 17, 1998, and effective on July 20, 1998.

(ii) Additional information.

(A) Letter from the New Jersey Department of Environmental Protection dated April 26, 1999, submitting the NO<sub>x</sub> Budget Trading Program as a revision to the New Jersey State Implementation Plan for ozone.

(B) Letter from the New Jersey Department of Environmental Protection dated July 29, 1999, committing to correcting the violation definition deficiency within one year of EPA's final action.

(C) Letter from the New Jersey Department of Environmental Protection dated July 31, 2000, supplementing the April 26, 1999 SIP submittal with the amended violation provisions.

(D) Guidance for Implementation of Emissions Monitoring Requirements for the NO<sub>x</sub> Budget Program, dated January 28, 1997.

(E) NO<sub>x</sub> Budget Program Monitoring Certification and Reporting Requirements, dated July 3, 1997.

(F) Electronic Data Reporting, Acid Rain/NO<sub>x</sub> Budget Program, dated July 3, 1997.

(G) Measurement Protocol for Commercial, Industrial and Residential Facilities, April 28, 1993.

(70) Revisions to the State Implementation Plan submitted on December 10, 1999 and July 31, 2000 by the State of New Jersey Department of Environmental Protection that establishes the NO<sub>x</sub> Budget Trading Program, a 2007 Statewide NO<sub>x</sub> emissions budget, and a commitment by New Jersey to comply with the section 51.122 reporting requirements.

(i) *Incorporation by reference:*

(A) Regulation Subchapter 31 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "NO<sub>x</sub> Budget Program," adopted on July 31, 2000 and effective on August 21, 2000.

(ii) *Additional material:*

(A) Letter from State of New Jersey Department of Environmental Protection dated December 10, 1999, requesting EPA approval of the Ozone SIP, entitled "State Implementation Plan (SIP) Revision for the Attainment and Maintenance of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; Meeting the Requirements of the Regional NO<sub>x</sub> Cap Program and Transportation Conformity

Budgets Related to the Attainment of the Ozone and Carbon Monoxide National Ambient Air Quality Standards; December 1, 1999," as a revision to the State of New Jersey Implementation Plan for ozone.

(B) Letter from State of New Jersey Department of Environmental Protection dated July 31, 2000, requesting EPA approval of the NO<sub>x</sub> Budget Program as a revision to the New Jersey State Implementation Plan for ozone. This submittal also contains 2007 State-wide NO<sub>x</sub> emissions budget information that is supplemental to the December 10, 1999 SIP submittal.

(71) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 20, 2001 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Amendments to Title 7, Chapter 27 of the New Jersey Administrative Code (NJAC) Subchapter 15, "Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles," effective November 15, 1999.

(B) Amendments to Title 7, Chapter 27B of the NJAC Subchapter 4, "Air Test Method 4: Testing Procedures for Motor Vehicles," effective November 15, 1999.

(C) Amendments to Title 13, Chapter 20 of the NJAC Subchapter 28, "Inspection of New Motor Vehicles" (Sections: 28.3, 28.4, 28.6), effective December 6, 1999.

(D) Title 13, Chapter 20 of the NJAC: Subchapter 7, "Vehicle Inspection" (Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6); Subchapter 24, "Motorcycles" (Section: 24.20); Subchapter 26, "Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles" (Section: 26.16); Subchapter 29, "Mobile Inspection Unit" (Sections: 29.1, 29.2, 29.3); Subchapter 32, "Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities"; Subchapter 33, "Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities"; Subchapter 43, "Enhanced Motor Vehicle Inspection and Maintenance Program"; Subchapter 44, "Private Inspection Facility Licensing"; and Subchapter 45, "Motor Vehicle Emission Repair Facility Registration", effective December 6, 1999.

(E) Title 13, Chapter 21 Subchapter 5, "Registrations" (Section: 5.12) and Subchapter 15, "New Jersey Licensed Motor Vehicle Dealers" (Section: 15.7), effective December 6, 1999.

(72) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on December 3, 2002 by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:  
(A) New Jersey Revised Statutes.  
(1) Public Law 2002, Chapter 34, paragraph 15 amending N.J.S.A. 39:8-2.c, enacted on July 1, 2002.

(73) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on January 21, 1998, June 12, 1998 and April 26, 1999; and a letter which notified EPA of a revised permit limit submitted by the New Jersey Department of Environmental Protection on February 21, 2001.

(i) Incorporation by reference:  
(A) Conditions of Approval Documents (COAD) or modified prevention of significant deterioration (PSD) permit: The following facilities have been issued COADs or modified PSD permit by New Jersey:

(1) American Ref-Fuel Company/Essex County Resource Recovery Facility, Newark, Essex County, NJ PSD permit modification dated July 29, 1997. Incorporation by reference includes only the NO<sub>x</sub> emission limits in section A.6 of the July 29, 1997 PSD permit.

(2) Co-Steel Corporation's (formerly New Jersey Steel Corporation) electric arc furnace/melt shop and billet reheat furnace, Sayreville, Middlesex County, NJ COAD approval dated September 3, 1997.

(3) Co-Steel Raritan Corporation's electric arc furnace/ladle metallurgy system and billet reheat furnace, Perth Amboy, Middlesex County, NJ COAD approval dated June 22, 1998.

(4) Homasote Company's natural gas dryer (wet fibreboard mat dryer), West

## Environmental Protection Agency

## §52.1570

Trenton, Mercer County, NJ COAD approval dated October 19, 1998.

(5) Milford Power Limited Partnership's combined cycle cogeneration facility, Milford, Hunterdon County, NJ COAD approval dated August 21, 1997.

(6) University of Medicine and Dentistry of New Jersey's cogeneration units and Cleaver Brooks non-utility boilers, Newark, Essex County, NJ COAD dated June 26, 1997.

(7) Roche Vitamins Inc's cogeneration facility and Boiler No. 1, Belvidere, Warren County, NJ COAD dated June 10, 1998. The cogeneration facility consists of one reciprocal engine (21.5 MW) and one heat recovery steam generator (HRSG) equipped with a duct burner (Boiler No. 6).

(8) Township of Wayne, Mountain View Water Pollution Control Facility's sewage sludge incinerators, Passaic County, NJ permit revision dated December 21, 2000.

(ii) Additional information—Documentation and information to support NO<sub>x</sub> RACT facility-specific emission limits, alternative emission limits, or repowering plan in three SIP revisions addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr. and one letter addressed to Acting Regional Administrator William J. Muszynski from Dr. Iclal Atay, Chief Bureau of Air Quality Engineering dated:

(A) January 21, 1998 SIP revision for two sources,

(B) June 12, 1998 SIP revision for one source,

(C) April 26, 1999 SIP revision for four sources,

(D) February 21, 2001 for a revised permit limit for one source.

(74) Revisions to the State Implementation Plan submitted on June 4, 2003 and January 6, 2004 by the State of New Jersey Department of Environmental Protection that establishes control programs for mobile equipment repair and refinishing operations, solvent cleaning operations and refueling of motor vehicles at gasoline service stations.

(i) Incorporation by reference:

(A) Regulation Subchapter 16 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution from Volatile Organic Compounds," adopted on

April 30, 2003 and effective on June 29, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 4, 2003, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 16 "Control and Prohibition of Air Pollution from Volatile Organic Compounds."

(B) Letter from State of New Jersey Department of Environmental Protection dated January 6, 2004 providing a compiled version of Subchapter 16 which include the amendments.

(75) Revisions to the State Implementation Plan submitted on January 23, 2003 by the State of New Jersey Department of Environmental Protection for the purpose of enhancing an existing Emission Statement Program for stationary sources in New Jersey. The SIP revision was submitted by New Jersey to satisfy the Clean Air Act requirements for stationary sources to report annually to the State on their emissions of volatile organic compounds (VOC), oxides of nitrogen (NO<sub>x</sub>) and carbon monoxide (CO), in order for the State to make this data available to EPA and the public.

(i) Incorporation by reference:

(A) Amended Regulation Subchapter 21 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Emission Statements," adopted on January 23, 2003 and effective on February 18, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated January 23, 2003, requesting EPA approval of a revision to the Ozone and CO SIP which contains amendments to the Subchapter 21 "Emission Statements."

(76) Revisions to the New Jersey State Implementation Plan (SIP) concerning the Enhanced Inspection and Maintenance Program, submitted on August 13, 2003 by the New Jersey Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

(A) Title 13, Chapter 20 of the NJAC: Subchapter 7, "Vehicle Inspections"

(Section: 7.1); Subchapter 26, "Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles" (Sections: 26.2, 26.16); Subchapter 28, "Inspection of New Motor Vehicles" (Section 28.3); Subchapter 29, "Mobile Inspection Unit" (Section: 29.2); Subchapter 32, "Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities"; Subchapter 33, "Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities"; Subchapter 43, "Enhanced Motor Vehicle Inspection and Maintenance Program"; Subchapter 44, "Private Inspection Facility Licensing"; and Subchapter 45, "Motor Vehicle Emission Repair Facility Registration," effective May 19, 2003.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated August 13, 2003, requesting EPA approval of a revision to the Enhanced Inspection and Maintenance Program SIP which contains amendments to the Subchapter 16 "Control and Prohibition of Air Pollution from Volatile Organic Compounds."

(77) Revisions to the State Implementation Plan submitted by the New Jersey Department of Environmental Protection on July 1, 1999 and supplemented on September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003.

(i) Incorporation by reference:

Conditions of Approval Document: Conditions of Approval Document issued by New Jersey on July 1, 1999 to Repauno Products, LLC's sodium nitrite manufacturing plant, Gibbstown, Gloucester County.

(ii) Additional information—Documentation and information to support NO<sub>x</sub> RACT facility-specific emission limits in SIP revision addressed to Regional Administrator Jeanne M. Fox from New Jersey Commissioner Robert C. Shinn, Jr.:

(A) July 1, 1999 SIP revision,

(B) September 12, 2002, September 26, 2002, April 3, 2003 and May 8, 2003 supplemental information to the SIP revision,

(C) May 14, 2004 commitment letter from New Jersey.

(78) Revisions to the State Implementation Plan submitted on July 28, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for architectural coatings.

(i) Incorporation by reference:

(A) Regulation Subchapter 23 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Prevention of Air Pollution From Architectural Coatings," adopted on May 21, 2004 and effective on July 20, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated July 28, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 23 "Prevention of Air Pollution From Architectural Coatings."

(79) Revisions to the State Implementation Plan submitted on June 22, 2004 by the State of New Jersey Department of Environmental Protection that establishes an expanded control program for consumer products including portable fuel containers.

(i) Incorporation by reference:

(A) Regulation Subchapter 24 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Prevention of Air Pollution From Consumer Products," adopted on April 7, 2004 and effective on June 6, 2004.

(ii) Additional material:

(A) Letter from State of New Jersey Department of Environmental Protection dated June 22, 2004, requesting EPA approval of a revision to the Ozone SIP which contains amendments to the Subchapter 24 "Prevention of Air Pollution From Consumer Products."

(80) Revision to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from the Schering Corporation's CoGEN II cogeneration facility located in Union County submitted by the New Jersey Department of Environmental Protection (NJDEP), dated March 31, 2005.

(i) Incorporation by reference:

(A) Conditions of Approval, Alternative Maximum Emission Rate For



## Environmental Protection Agency

## § 52.1570

NO<sub>x</sub>, Schering Corporation, Union, Union County, New Jersey facility identification number 40084 approved March 9, 2005.

(81) Revisions to the State Implementation Plan for ozone dated December 16, 2005 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes revised control measures for achieving additional reductions of NO<sub>x</sub> emissions from stationary combustion sources.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 19, of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution from Oxides of Nitrogen," effective October 17, 2005 and Title 7, Chapter 27, Subchapter 16 of the New Jersey Administrative Code entitled "Control and Prohibition of Air Pollution by Volatile Organic Compounds," effective October 17, 2005.

(ii) Additional information:

(A) December 16, 2005 letter from Commissioner Bradley M. Campbell, NJDEP, to Alan J. Steinberg, EPA, requesting EPA approval of revisions to Subchapters 8, 16, 19, and 22.

(82) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's second generation Low Emission Vehicle (LEV) program.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Low Emission Vehicle (LEV) Program," except sections 29.6, 29.7, and 29.13(g) (incorporation by reference of Title 13, Chapter 1, Article 2, Sections 1961.1 and 1962 of the California Code of Regulations only), adopted on November 28, 2005.

(83) Revisions to the State Implementation Plan and submitted on February 6, 2007 as proposed, and subsequently adopted and submitted on July 9, 2007 by the State of New Jersey Department of Environmental Protection (NJDEP) that establishes rules for the allowance allocation of oxides of nitrogen (NO<sub>x</sub>) for the annual and ozone season Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Cap and Trade Programs. The submission also establishes a date when the CAIR NO<sub>x</sub> Trading Programs will replace the

State's NO<sub>x</sub> Budget Program, and satisfies New Jersey's 110(a)(2)(D)(i) obligations to submit a SIP revision that contains adequate provisions to prohibit air emissions from adversely affecting another state's air quality through interstate transport.

(i) Incorporation by reference:

(A) Title 7, Chapter 27, Subchapter 30 of the New Jersey Administrative Code entitled "Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Trading Program," effective July 16, 2007 and Title 7, Chapter 27, Subchapter 31, Section 23 of the New Jersey Administrative Code entitled "NO<sub>x</sub> Budget Program," effective July 16, 2007.

(ii) Additional information:

(A) February 2, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting proposed SIP revision, and request for parallel processing.

(B) June 26, 2007 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, submitting SIP revision.

(C) December 29, 2006 letter from Commissioner Lisa P. Jackson, NJDEP, to Alan J. Steinberg, EPA, indicating how New Jersey has addressed the required elements of 110(a)(2)(D)(i).

(84) Revisions to the State Implementation Plan submitted on June 2, 2006, by the New Jersey Department of Environmental Protection which consists of the adoption of California's Zero Emission Vehicle (ZEV) provisions.

(i) Incorporation by reference:

(A) Regulation Subchapter 29 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Low Emission Vehicle (LEV) Program," sections 29.6, 29.7, and the incorporation of California Section 1962, "Zero Emission Vehicle Standards for 2005 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," within section 29.13(g), effective on January 17, 2006.

(85) Revisions to the New Jersey State Implementation Plan (SIP) for ozone concerning the control of nitrogen oxides from Trigen-Trenton Energy Co., L.P., dated August 7, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP).

(i) Incorporation by reference:

**§ 52.1571**

**40 CFR Ch. I (7-1-09 Edition)**

(A) a letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, USEPA, dated August 7, 2007, and Attachment 1 to the letter, titled "Conditions of Approval, Alternative Maximum Emission Rate for NO<sub>x</sub> for Two (2) Cooper Bessemer Distillate Oil or Dual Fuel Fired 4-Stroke Diesel Internal Combustion Engines," Trigen-Trenton Energy Company L.P., Trenton, NJ. APC Plant ID No. 61015, approved January 11, 2007.

(86) Revisions to the New Jersey State Implementation Plan (SIP) for particulate matter granting a variance from Subchapter 6, Control and Prohibition of Particles from Manufacturing Processes for the cooling tower at the PSEG Nuclear LLC Hope Creek and Salem Generating Stations located in Lower Alloways Creek Township, Salem County dated November 2, 2007 submitted by the New Jersey State Department of Environmental Protection (NJDEP) which establishes hourly emission limits for TSP and PM-10 (total) of less than or equal to 42 pounds per hour and annual emission limits for TSP and PM-10 (total) of less than or equal to 65.9 tons per year.

(i) Incorporation by reference:

(A) A letter from Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection, addressed to Alan J. Steinberg, Regional Administrator, EPA, dated November 2, 2007 submitting the variance for PSEG Nuclear LLC Hope Creek and Salem Generating Stations without the attachments.

(B) Section J, Facility Specific Requirements, Emission Unit U24 Cooling Tower, (Significant Modification Approval date August 7, 2007) contained in the Air Pollution Control Operating Permit, Significant Modification and Preconstruction Approval, PSEG Nuclear LLC Hope Creek and Salem Generating Stations, Permit Activity Number: BOP05003.

(d) Plan revisions were submitted on September 26, 1972.

(87) Revisions to the State Implementation Plan submitted on September 13, 2007, by the New Jersey Department of Environmental Protection which consists of the State's revised diesel idling rule.

(i) Incorporation by reference:

(A) Regulation Subchapter 14 of Title 7, Chapter 27 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles," section 14.1, effective on July 2, 2007, section 14.2, effective on September 15, 1997, and section 14.3, effective on July 2, 2007.

[37 FR 10880, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1570, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 52.1571 Classification of regions.**

The New Jersey plan was evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
New Jersey-New York-Connecticut Interstate .....	I	I	I	I	I
Metropolitan Philadelphia Interstate .....	I	I	III	I	I
Northeast Pennsylvania-Upper Delaware Valley Interstate .....	I	II	III	III	III
New Jersey Intrastate .....	III	IA	III	I	III

[37 FR 10880, May 31, 1972, as amended at 39 FR 16347, May 8, 1974]

**§ 52.1572 Extensions.**

Pursuant to section 186(a)(4) of the Clean Air Act, as amended in 1990, the Regional Administrator hereby extends

for one year (until December 31, 1996) the attainment date for the New York-

## Environmental Protection Agency

## § 52.1576

Northern New Jersey-Long Island Consolidated Metropolitan Statistical Carbon Monoxide nonattainment area.

[61 FR 56900, Nov. 5, 1996]

### § 52.1573 Approval status.

With the exceptions set forth in this subpart, the Administrator approves New Jersey's plans for attainment and maintenance of the national ambient air quality standards under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977, except as noted below in § 52.1581. In addition, continued satisfaction of the requirements of Part D for the ozone portion of the SIP depends on the adoption and submittal of RACT requirements by July 1, 1980 for the sources covered by CTGs issued between January, 1978 and January, 1979 and adoption and submittal by each subsequent January of additional RACT requirements for sources covered by CTGs issued by the previous January.

[45 FR 15541, Mar. 11, 1980]

### § 52.1574 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or

other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55331, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

### § 52.1575 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since section 26:2C-9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C-9 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

### § 52.1576 Control strategy: Nitrogen dioxide.

(a) The requirements of § 52.14(c)(3) of this chapter as of May 8, 1974 (39 FR 16346), are not met since the plan does

**§52.1577**

**40 CFR Ch. I (7-1-09 Edition)**

not provide for the degree of nitrogen oxides emission reduction attainable through the application of reasonably available control technology in the New Jersey portions of the New Jersey-New York-Connecticut Region.

[37 FR 10880, May 31, 1972, as amended at 39 FR 16347, May 8, 1974; 51 FR 40677, Nov. 7, 1986]

**§52.1577 Compliance schedules.**

(a) [Reserved]

(b) The requirements of §51.261 of this chapter are not met since Chapter 7, section 7.1(c) of New Jersey's "Air Pollution Control Code" permits certain sources to defer compliance with Chapter 7 until after the required date for attainment of the national standards for particulate matter.

(c) The requirements of §51.262(a) of this chapter are not met since Chapter 7 of New Jersey's "Air Pollution Control Code" does not provide for periodic increments of progress toward compliance for those sources with compliance schedules extending over a period of 18 or more months.

(d) *Regulation for increments of progress.* (1) Except as provided in paragraph (d)(2) of this section, the owner or operator of any stationary source in the State of New Jersey to which an exception extending beyond January 31, 1974, is applicable under Chapter 7, section 7.1(c) of the New Jersey Air Pollution Control Code shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed compliance schedule that demonstrates compliance with the emission limitations prescribed by Chapter 7 of the New Jersey Air Pollution Control Code as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress towards compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or in-

stallation of emission control equipment or process change; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(2) Where any such owner or operator demonstrates to the satisfaction of the Administrator that compliance with the applicable regulations will be achieved on or before January 31, 1974, no compliance schedule shall be required.

(3) Any owner or operator required to submit a compliance schedule pursuant to this paragraph shall within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

[37 FR 10880, May 31, 1972, as amended at 37 FR 23090, Oct. 28, 1972; 38 FR 12713, May 14, 1973; 40 FR 30962, July 24, 1975; 51 FR 40676, 40677, Nov. 7, 1986; 54 FR 25258, June 14, 1989]

**§52.1578 Review of new sources and modifications.**

(a) Subchapter 18 of the New Jersey Administrative Code, entitled, "Control and Prohibitions of Air Pollution from Ambient Air Quality in Non-attainment Areas (Emission Offset Rule)," N.J.A.C. 7:27-18.1 *et seq.*, as submitted to EPA on August 5, 1980 by the New Jersey Department of Environmental Protection, is approved for the entire State of New Jersey, with the following provisions:

(1) The definition of "significant emission increase" as it appears in section 7:27-18.1, entitled, "Definitions," is disapproved. The following definition of "significant emission increase" is applicable: "An increase, since December 21, 1976, in the rate of allowable emissions, including fugitive pollutant emissions, at a facility of any criteria pollutant greater than or equal to 50 tons per year, 1,000 pounds per day, or 100 pounds per hour, not including decreases in the rates of allowable emissions except where such decreases are

## Environmental Protection Agency

§ 52.1581

contemporaneous with emission increases. The increase in the rates of allowable emissions shall be the cumulative total of increases from all new or altered equipment for which permits have been issued on or after December 21, 1976 and for which permit applications have been received by the Department, and the fugitive emissions associated with that equipment. The hourly and daily rates shall apply only with respect to a pollutant for which a national ambient air quality standard for a period not exceeding 24 hours has been established.

(2) Subsection (e)(1) under section 7:27-18.2, entitled, "General Provisions," is disapproved and replaced with the following: "The requirements of paragraphs (c)(3), (c)(4), and (c)(5) of this section shall again become applicable when proposed new construction or alterations at the facility would cause the increase in the rate of allowable emissions of that criteria pollutant to again exceed 50 tons per year, 1,000 pounds per day, or 100 pounds per hour whichever is most restrictive. The accumulation of increases in the rate of allowable emissions shall resume from zero after each application of paragraphs (c)(3) and (c)(4) of this section."

[39 FR 7282, Feb. 25, 1974, as amended at 46 FR 21996, Apr. 15, 1981; 51 FR 40677, Nov. 7, 1986; 60 FR 33923, June 29, 1995]

### § 52.1579 Intergovernmental cooperation.

(a) The requirements of subpart M of this chapter are not met since the plan does not adequately describe the responsibilities of local agencies.

[37 FR 10880, May 31, 1972, as amended at 51 FR 40677, Nov. 7, 1986]

### § 52.1580 Conditional approval.

(a) *Enhanced inspection and maintenance.* (1) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 22, 1997, is conditionally approved based on certain contingencies, for an interim period to last 18 months. If New Jersey fails to start its program by November 15, 1997, the interim approval granted under the provisions of the NHSDA,

which EPA believes allows the State to take full credit in its 15 percent plan for all of the emission reduction credits in its proposal, will convert to a disapproval after a finding letter is sent to the State by EPA. If the State fails to submit to EPA the final modeling demonstrating that its program will meet the relevant enhanced I/M performance standard by February 1, 1998, the conditional approval will automatically convert to a disapproval as explained under Section 110(k) of the Clean Air Act.

(2) In addition to the above condition, the State must correct eight minor, or de minimus, deficiencies related to the CAA requirements for enhanced I/M. The minor deficiencies are listed in EPA's conditional interim final rulemaking on New Jersey's motor vehicle inspection and maintenance program published on May 14, 1997. Although satisfaction of these deficiencies does not affect the conditional interim approval status of the State's rulemaking, these deficiencies must be corrected in the final I/M SIP revision to be submitted at the end of the 18-month interim period.

(3) EPA is also approving this SIP revision under Section 110(k), for its strengthening effect on the plan.

(b) [Reserved]

[62 FR 26405, May 14, 1997, as amended at 62 FR 35102, June 30, 1997; 64 FR 19916, Apr. 23, 1999]

### § 52.1581 Control strategy: Carbon monoxide.

(a) Approval—The September 28, 1995 revision to the carbon monoxide state implementation plan for Camden County and the Nine not-classified areas (the city of Trenton, the City of Burlington, the Borough of Penns Grove (part), the Borough of Freehold, the City of Morristown, the City of Perth Amboy, the City of Toms River, the Borough of Somerville, and the City of Atlantic City). This revision included a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2007.

(b) The base year carbon monoxide emission inventory requirement of section 187(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the

entire State. The inventory was submitted on November 15, 1992 and amended on September 28, 1995 by the New Jersey Department of Environmental Protection as a revision to the carbon monoxide State Implementation Plan.

(c) Approval—The November 15, 1992, October 4, 1993, and August 7, 1998 revisions to the carbon monoxide state implementation plan for the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area. This included an attainment demonstration and the control measures needed to attain the National Ambient Air Quality Standard for carbon monoxide. The January 15, 2002, request to redesignate the New Jersey portion of the New York—Northern New Jersey—Long Island Carbon Monoxide nonattainment area from nonattainment to attainment of the National Ambient Air Quality Standard for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan which demonstrated continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2014.

(d) The 1997 and 2007 carbon monoxide motor vehicle emission budgets for Camden County and the Nine Not Classified Areas included in New Jersey's May 21, 2004 SIP revision are approved.

(e)(1) Approval—The May 18, 2006 revision to the carbon monoxide maintenance plan for Camden County and the Nine Not Classified Areas. This revision contains a second ten-year maintenance plan that demonstrates continued attainment of the National Ambient Air Quality Standard for carbon monoxide through the year 2017.

(2) The 2007 and 2014 carbon monoxide conformity emission budgets for five counties in the New York/Northern New Jersey/Long Island carbon monoxide maintenance area included in New Jersey's May 18, 2006 SIP revision are approved.

[67 FR 54579, Aug. 23, 2002, as amended at 69 FR 52836, Aug. 30, 2004; 71 FR 38772, July 10, 2006]

**§ 52.1582 Control strategy and regulations: Ozone.**

(a) Subchapter 16 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Volatile Organic Substances," N.J.A.C. 7:27-16.1 et seq. as revised on December 31, 1981 and effective March 1, 1982, is approved with the following provisions and conditions:

(1) Subsections 16.6(c)(4) and 16.6(c)(5) are approved. The State must comply with the public participation procedures it submitted to EPA on December 19, 1980 and must supply to EPA a copy of each notice of a proposed bubble that it supplies the public. In addition, the State must promptly transmit to EPA notice setting forth each set of emission limits approved by the state pursuant to subsections 16.6(c)(4) and 16.6(c)(5) as well as the emission limitations previously applicable. Finally, the State must transmit any relevant additional material EPA may request, and it must notify the public of an approved set of emission limits at the time it transmits notice of those limits to EPA.

(2) Emission limitations required by subsections 16.5(a), 16.6(a) and 16.6(b) are applicable requirements of the New Jersey SIP for the purposes of section 113 of the Clean Air Act and shall be enforceable by EPA and by citizens in the same manner as other requirements of the SIP; except that emission limitations adopted by the State under and which comply with subsections 16.6(c)(4) and (5) shall be the applicable requirements of the New Jersey SIP in lieu of those contained in subsections 16.5(a), 16.6(a) and 16.6(b) and shall be enforceable by EPA and by citizens, if the State meets the requirements set out in paragraph (d)(1) of this section.

(3) Although EPA approves the variance provisions in subchapter 7:27-16.9 and 7:27-16.10, in order to be considered as part of the SIP, each variance issued under these provisions must be submitted to and approved by EPA as a SIP revision.

(4) The December 17, 1979 version of Subchapter 16 is approved as a part of the SIP only to the extent that it addresses compliance dates for Group I Control Techniques Guideline source categories.

(b) Subchapter 17 of the New Jersey Administrative Code, entitled "Control and Prohibition of Air Pollution by Toxic Substances," N.J.A.C. 7:27-17.1 et seq. as revised on October 17, 1979 and effective December 17, 1979, is approved for the regulation of perchloroethylene dry cleaners, as further clarified in a New Jersey Department of Environmental Protection memorandum "Subchapter 17 Requirements for Perchloroethylene Dry Cleaning Systems" dated October 25, 1982.

(c) The November 15, 1993 SIP revision submitted by the New Jersey Department of Environmental Protection and Energy demonstrates the fulfillment of section 182(b)(2)(B) of the Clean Air Act for states to adopt RACT regulations for all sources for which EPA has issued a CTG before enactment of the 1990 Clean Air Act.

(d)(1) The base year ozone precursor emission inventory requirement of section 182(a)(1) of the 1990 Clean Air Act Amendments has been satisfied for the Atlantic City, New York/Northern New Jersey/Long Island, Philadelphia/Wilmington/Trenton, and Allentown/Bethlehem/Easton areas of New Jersey. The inventory was submitted on November 15, 1993 and amended on November 21, 1994 by the New Jersey Department of Environmental Protection as a revision to the ozone State Implementation Plan (SIP). Revisions to the 1990 base year emission inventory dated December 31, 1996 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved. Revisions to the 1990 base year emission inventory dated February 10, 1999 for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas of New Jersey have been approved.

(2) [Reserved]

(3) The 1996 and 1999 ozone projection year emission inventories included in New Jersey's July 30, 1998 addendum and February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(4) [Reserved]

(5) The photochemical assessment monitoring stations network included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(6) The demonstration that emissions from growth in vehicle miles traveled will not increase motor vehicle emissions and, therefore, offsetting measures are not necessary which was included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas has been approved.

(7) The enforceable commitments to participate in the consultative process to address regional transport; adopt additional control measures as necessary to attain the ozone standard, meet rate of progress requirements, and eliminate significant contribution to nonattainment downwind; identify any reductions that are needed from upwind areas for the area to meet the ozone standard; and implement the Ozone Transport Commission NO<sub>x</sub> Memorandum of Understanding included in New Jersey's December 31, 1996 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(e) The State of New Jersey's March 27, 1996 submittal for an enhanced motor vehicle inspection and maintenance (I/M) program, as amended on November 27, 1996 and April 1997, is approved pursuant to section 110 of the Clean Air Act, 42 U.S.C. 7410. However, since New Jersey failed to start its program by November 15, 1997, the interim approval granted under the provisions of Section 348 of the National Highway Systems Designation Act of 1995 (NHSDA), 23 U.S.C. 348, which allowed the State to take full credit in its 15 Percent ROP Plan for all the emission reduction credits in its proposal, converted to a disapproval when EPA sent finding letters to the State on December 12, 1997. The finding letters also informed the state that the underlying

enhanced I/M program approval, pursuant to Section 110 of the Act, remained in effect as part of the federally enforceable SIP.

(f) The State of New Jersey's June 5, 1998 submittal for the conversion of the inspection frequency of the current inspection and maintenance (I/M) program from annual to biennial in order to facilitate the upgrade of the existing state lanes to accommodate the testing equipment for the enhanced program has been approved by EPA. The State will be adding a gas cap inspection to the current I/M program, which will result in a net increase in overall emissions reductions.

(g) The 15 Percent Rate of Progress (ROP) Plans and the recalculation of the 9 Percent ROP Plans included in the July 30, 1998 addendum and the February 10, 1999 State Implementation Plan revision for the New York/Northern New Jersey/Long Island and Philadelphia/Wilmington/Trenton nonattainment areas have been approved.

(h)(1) The statewide 1996 periodic emission inventory included in New Jersey's April 11, 2001 State Implementation Plan revision is approved.

(2) The 2002 and 2005 ozone projection year emission inventories for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 ozone projection year emission inventories for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(3) The 2002 and 2005 Reasonable Further Progress Plans for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2002, 2005 and 2007 Reasonable Further Progress Plans for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11, 2001 State Implementation Plan revision are approved.

(4) The contingency measures for the New Jersey portions of the Philadelphia/Wilmington/Trenton nonattainment area and the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's April 11,

2001 State Implementation Plan revision are approved.

(5) [Reserved]

(6) The Reasonably Available Control Measure Analysis for the New Jersey portion of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island nonattainment areas included in New Jersey's October 16, 2001 State Implementation Plan revision is approved.

(7) The revisions to the State Implementation Plan submitted by New Jersey on August 31, 1998, October 16, 1998, and April 26, 2000 are approved. The revisions are for the purpose of satisfying the attainment demonstration requirements of section 182(c)(2)(A) of the Clean Air Act for the New Jersey portions of the Philadelphia/Wilmington/Trenton and New York-Northern New Jersey-Long Island severe ozone nonattainment areas. The revisions establish attainment dates of November 15, 2005 for the Philadelphia/Wilmington/Trenton nonattainment area and November 15, 2007 for the New York-Northern New Jersey-Long Island ozone nonattainment area. The revisions include the enforceable commitments for future actions associated with attainment of the 1-hour ozone national ambient air quality:

(i) To adopt additional control measures by October 31, 2001 to meet the level of reductions identified by EPA for attainment of the 1-hour ozone standard;

(ii) To submit revised State Implementation Plan and motor vehicle emissions budgets by October 31, 2001 if additional adopted measures affect the motor vehicle emissions inventory;

(i)(1) The revised 1996, 2005 and 2007 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's April 8, 2003 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area included in New Jersey's April 8, 2003 State Implementation Plan revision are approved.

(3) [Reserved]

(4) The revised commitment to perform a mid-course review and submit



the results by December 31, 2004 included in the April 8, 2003 SIP revision is approved.

(j)(1) The revised 1997, 2005, 2007 and 2014 motor vehicle emission inventories calculated using MOBILE6 included in New Jersey's May 21, 2004 State Implementation Plan revision is approved.

(2) The 2005 conformity emission budgets for the New Jersey portion of the Philadelphia/Wilmington/Trenton nonattainment area and the 2005 and 2007 conformity emission budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 21, 2004 State Implementation Plan revision are approved.

(k)(1) The Statewide 2002 base year ozone precursor emission inventories included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(2) The revisions to the 2005 and 2007 motor vehicle emissions budgets for the New Jersey portion of the New York/Northern New Jersey/Long Island nonattainment area included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(3) The conformity emission budgets for the McGuire Air Force Base included in New Jersey's May 18, 2006 State Implementation Plan revision are approved.

(l) *Attainment determination.* EPA has determined that the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005. In New Jersey, this area includes the counties of Burlington, Camden, Cumberland, Gloucester, Mercer, and Salem. EPA also has determined that the Philadelphia-Wilmington-Trenton severe 1-hour ozone nonattainment area is not subject to the imposition of the section 185 penalty fees. In addition, the requirements of section 172(c)(9) (contingency measures) do not apply to the area.

(m)(1) The 2008 Reasonable Further Progress Plans and associated 2008 ozone projection year emission inventories for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-

NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(2) The contingency measures for failure to meet the 2008 RFP Plan milestones for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(3) The moderate area Reasonably Available Control Measure Analysis for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(4) The 2008 motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT and the Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE nonattainment areas included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(5) The general conformity budgets for McGuire AFB and Lakehurst NAS included in New Jersey's October 29, 2007 State Implementation Plan revision are approved.

(6) The Statewide reasonably available control technology (RACT) analysis for the 8-hour ozone included in the August 1, 2007 State Implementation Plan revision is conditionally approved.

[46 FR 20556, Apr. 6, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.11582, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 52.1583 Requirements for state implementation plan revisions relating to new motor vehicles.**

New Jersey must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

**§ 52.1584 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?**

(a)(1) The owner and operator of each source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR NO<sub>x</sub> Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan (SIP) as meeting the requirements of CAIR for PM<sub>2.5</sub> relating to NO<sub>x</sub> under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO<sub>x</sub> allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO<sub>x</sub> allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO<sub>x</sub> allowances for those years.

(b)(1) The owner and operator of each NO<sub>x</sub> source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR NO<sub>x</sub> Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO<sub>x</sub> under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO<sub>x</sub> Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO<sub>x</sub> Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO<sub>x</sub> Ozone Season allowances for those years.

[72 FR 62351, Nov. 2, 2007]

**§ 52.1585 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?**

The owner and operator of each SO<sub>2</sub> source located within the State of New Jersey and for which requirements are set forth under the Federal CAIR SO<sub>2</sub> Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the New Jersey State Implementation Plan as meeting the requirements of CAIR for PM<sub>2.5</sub> relating to SO<sub>2</sub> under § 51.124 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.124(r) of this chapter.

[72 FR 62352, Nov. 2, 2007]

**§§ 52.1586-52.1600 [Reserved]**

**§ 52.1601 Control strategy and regulations: Sulfur oxides.**

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1-3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved:<sup>1</sup>

<sup>1</sup>Action by the Administrator regarding coal conversion at the listed plants and units

Environmental Protection Agency

§ 52.1602

Company	Plant	City	Boiler unit(s)
Atlantic City Electric .....	Deepwaters .....	Deepwaters .....	5/7, 7/9, 3/5, 4/6.
Public Service Electric & Gas .....	Essex .....	Newark .....	All.
Do .....	Sewaren .....	Woodbridge .....	Do.
Do .....	Bergen .....	Bergen .....	No. 1.
Do .....	Burlington .....	Burlington .....	1-4.
Do .....	Kearney .....	Kearney .....	All.
Do .....	Hudson .....	Jersey City .....	No. 1.
Jersey Central Power & Light .....	Sayreville .....	Sayreville .....	All.
Do .....	E. H. Werner .....	South Amboy .....	Do.

(b) Before any steam or electric power generating facility in Zone 3, as defined in N.J.A.C. 7:27-10.1, burning fuel oil on June 4, 1979, having a rated hourly gross heat input greater than 200,000,000 British Thermal Units (BTU's), and capable of burning coal without major reconstruction or construction, which facility was in operation prior to May 6, 1968, or group of such facilities having a combined rated hourly capacity greater than 450,000,000 BTU's may be permitted by the State to convert to the use of coal, the State shall submit to EPA a copy of the proposed permit together with an air quality analysis employing methodology acceptable to EPA. If EPA determines, on the basis of the submitted analysis, that the proposed coal conversion will not interfere with the attainment or maintenance of air quality standards and will not be the cause for any Prevention of Significant Deterioration (PSD) increment to be exceeded, then the permit authorizing conversion may become effective immediately upon the publication of such a determination (as a Notice) in the FEDERAL REGISTER. If EPA determines that the submitted analysis is inadequate or that it shows that the proposed conversion will interfere with attainment or maintenance of air quality standards or cause any PSD increment to be exceeded, then EPA shall so inform the State of its determination, and the permit authorizing conversion shall not become effective and conversion shall not occur until an adequate analysis is submitted or, if necessary, until a control strategy revision which would require any necessary emission reductions is submitted by the State and placed into

is being held in abeyance until the Administrator determines whether and to what extent that conversion cannot be deferred,

effect as an EPA approved revision to the implementation plan. In addition, this same procedure shall apply to any State permit applied for that would authorize a relaxation in the sulfur-in-coal limitation at any such facility, as defined above in this paragraph, having already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

**§ 52.1602 Control strategy and regulations: PM<sub>2.5</sub>.**

(a) Approval—On May 18, 2006, New Jersey submitted an early PM<sub>2.5</sub> implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct PM<sub>2.5</sub> and 61,676 tons per year of NO<sub>x</sub>; Delaware Valley Regional Planning Commission: 89 tons per year of direct PM<sub>2.5</sub> and 4,328 tons per year of NO<sub>x</sub>.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its

based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.

**§ 52.1603**

**40 CFR Ch. I (7-1-09 Edition)**

early PM<sub>2.5</sub> implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct PM<sub>2.5</sub> and 5,056 tons per year of NO<sub>x</sub>.

[73 FR 24870, June 5, 2008]

**§ 52.1603 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

**§ 52.1604 Control strategy and regulations: Total suspended particulates.**

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27-6.1 *et seq.*; *Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section 110(a)(3)(A) of the Act, and 40 CFR, part 51 (relating to approval of and revisions to State implementation plans) have been satisfied with respect to such variance.

(b) Particulates emissions from units 1 and 2 of the Atlantic City Electric Company's B.L. England Generating Station are limited to an emission rate of 0.5 lbs/million BTU until March 31, 1982 and June 1, 1982, respectively. The opacity associated with such emissions from these units during this period shall not exceed 40 percent. On and after March 31, 1982 for unit 1, and June 1, 1982 for unit 2, these units shall be limited to an emission rate of 0.1 lbs/million BTU, and the associated opacity shall not exceed 20 percent.

[44 FR 5427, Jan. 26, 1979 and 46 FR 26305, May 12, 1981]

**§ 52.1605 EPA-approved New Jersey regulations.**

State regulation	State effective date	EPA approved date	Comments
Title 7, Chapter 26			
Subchapter 2A, "Additional, Specific Disposal Regulations for Sanitary Landfills."	June 1, 1987 .....	June 29, 1990, 55 FR 26689 .....	
Title 7, Chapter 27			
Subchapter 1, "General Provisions"	May 1, 1956 .....	June 29, 1990, 55 FR 26689 .....	
Subchapter 2, "Control and Prohibition of Open Burning"	June 8, 1981 .....	Sept. 30, 1981, 46 FR 47779.	
Subchapter 3, "Control and Prohibition of Smoke from Combustion of Fuel"	Oct. 12, 1977 ....	Jan. 27, 1984, 49 FR 3465.	
Subchapter 4, "Control and Prohibition of Particles from Combustion of Fuel"	Oct. 12, 1977 ....	.....do.	
Subchapter 5, "Prohibition of Air Pollution."	Oct. 12, 1977 ....	.....do.	
Subchapter 6, "Control and Prohibition of Particles From Manufacturing Processes" (except section 6.5).	May 23, 1977 ....	Jan. 26, 1979, 44 FR 5427 .....	Section 6.5, "Variances," is not approved (40 CFR 52.1570(c)(20) and 52.1604(a)). Any State-issued variances must be formally incorporated as SIP revisions if EPA is to be bound to their provisions (40 CFR 52.1604(a)).

**Environmental Protection Agency**

**§ 52.1605**

State regulation	State effective date	EPA approved date	Comments	
Subchapter 7, "Sulfur" .....	Mar. 1, 1967 .....	May 31, 1972, 37 FR 10880.	Sulfur dioxide "bubble" permits issued by the State pursuant to §9.2 and not waived under the provisions of §9.4 become applicable parts of the SIP only after receiving EPA approval as a SIP revision. "Clean conversion incentive" permits issued pursuant to §9.5 must receive EPA approval as a SIP revision to become applicable parts of the SIP.	
Subchapter 8, "Permits and Certificates, Hearings, and Confidentiality".	Apr. 5, 1985 .....	Nov. 25, 1986, 51 FR 42573.		
Section 8.11 .....	Mar. 2, 1992 .....	Apr. 15, 1994, 59 FR 17935.		
Sections 8.1 and 8.2 .....	June 20, 1994 ...	August 7, 1997, 62 FR 42414.		
Subchapter 9, "Sulfur in Fuels" .....	Feb. 4, 1983 .....	July 8, 1983, 48 FR 31400 .....		
Subchapter 10, "Sulfur in Solid Fuels".	July 14, 1981 .....	Nov. 3, 1981, 46 FR 54542 .....		Notification of "large zone 3 coal conversions" must be provided to EPA (40 CFR 52.1601(b)).
Subchapter 11, "Incinerators" .....	Aug. 15, 1968 .....	May 31, 1972, 37 FR 10880.		
Subchapter 12, "Prevention and Control of Air Pollution Emergencies".	Mar. 27, 1972 .....	.....do.		
Subchapter 13, "Ambient Air Quality Standards".	June 25, 1985 ...	Nov. 25, 1986, 51 FR 42573.		
Subchapter 14, "Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles".	.....	.....		On September 15, 1997, section 14.2 was re-numbered to 14.6. The State did not submit this change as a SIP revision. Therefore, the July 1, 1985, version of section 14.2 will continue to be the EPA-approved regulation.
Sections 14.1-14.3 .....	July 1, 1985 .....	June 13, 1986..	Subchapter 16 is approved into the SIP except for Open Market Emissions Trading (OMET) provisions at 16.1A(g) and 16.1A(h). Subchapter 17 is included in the SIP only as it relates to the control of perchloroethylene. See July 25, 1996, for items not included in this limited approval. Subchapter 19 is approved into the SIP except for the following provisions: (1) Open Market Emissions Trading (OMET) provisions at 19.3(g), 19.3(h), 19.27 and 19.27 Appendix; and (2) New amendments to phased compliance plan through repowering in § 19.21 that allow for implementation beyond May 1, 1999; and (3) New amendments to phased compliance plan through the use of innovative control technology in §19.23 that allow for implementation beyond May 1, 1999.	
Section 14.1 .....	July 2, 2007 .....	April 17, 2009, 74 FR 17781..		
Section 14.2 .....	September 15, 1997.	April 17, 2009, 74 FR 17781..		
Section 14.3 .....	July 2, 2007 .....	April 17, 2009, 74 FR 17781..		
Subchapter 15, "Control and Prohibition of Air Pollution From Gasoline-Fueled Motor Vehicles".	Nov. 15, 1999 ....	January 22, 2002, 67 FR 2813..		
Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Compounds".	Oct. 17, 2005 ....	July 31, 2007, 72 FR 41626 .....		
Subchapter 17, "Control and Prohibition of Air Pollution by Toxic Substances".	June 20, 1994 ...	August 7, 1997, 62 FR 42414 .....		
Subchapter 18, "Control and Prohibition of Air Pollution from New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules)".	Mar. 15, 1993 ....	July 25, 1996 .....		
Subchapter 19, "Control and Prohibition of Air Pollution from Oxides of Nitrogen".	October 17, 2005.	July 31, 2007, 72 FR 41626 .....		

§ 52.1605

40 CFR Ch. I (7-1-09 Edition)

State regulation	State effective date	EPA approved date	Comments
Subchapter 21, "Emission Statements;"	Feb. 18, 2003 ....	Aug. 2, 2004, 69 FR 46106 .....	Section 7:27-21.3(b)(1) and 7:27-21.3(b)(2) of New Jersey's Emission Statement rule requires facilities to report on the following pollutants to assist the State in air quality planning needs: hydrochloric acid, hydrazine, methylene chloride, tetrachlor-ethylene, 1, 1, 1 trichloroethane, carbon dioxide and methane. EPA will not take SIP-related enforcement action on these pollutants.
Subchapter 23, Prevention of Air Pollution From Architectural Coatings.	July 20, 2004 ....	November 30, 2005 .....	Variances or exemptions approved by the State pursuant to Subchapter 23.3(j) become applicable only if approved by EPA as a SIP revision.
Subchapter 24, "Prevention of Air Pollution From Consumer Products".	June 6, 2004 ....	January 25, 2006 71 FR 4045 .....	The specific application of provisions associated with innovative products exemptions, alternative compliance plans, and variances must be submitted to EPA as SIP revisions.
Subchapter 25, "Control and Prohibition of Air Pollution by Vehicular Fuels;"	August 17, 1998	November 22, 1999, 64 FR 63692.	
Subchapter 29, "Low Emission Vehicle (LEV) Program".	January 17, 2006.	February 13, 2008, 73 FR 8202 ...	In Section 29.13(g), Title 13, Chapter 1, Article 2, Section 1961.1 of the California Code of Regulations relating to greenhouse gas emission standards, is not incorporated into the SIP.
Subchapter 30, "Clean Air Interstate Rule (CAIR) NO <sub>x</sub> Trading Program."	July 16, 2007 .....	October 1, 2007, 72 FR 55672.	
Subchapter 31, "NO <sub>x</sub> Budget Program."	July 16, 2007 .....	October 1, 2007, 72 FR 55672.	
Title 7, Chapter 27B			
Subchapter 3, "Air Test Method 3: Sampling and Analytic Procedures for the Determination of Volatile Organic Compounds from Source Operations".	June 20, 1994 ...	August 7, 1997, 62 FR 42414 .....	
Subchapter 4, "Air Test Method 4: Testing Procedures for Motor Vehicles."	Nov. 15, 1999 ....	January 22, 2002, 67 FR 2813.	
Title 13, Chapter 20:			
Subchapter 7, "Vehicle Inspection."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Sections: 7.1, 7.2, 7.3, 7.4, 7.5, 7.6.			
Subchapter 24, "Motorcycles." .....	Dec. 6, 1999 .....	January 22, 2002, 67 FR 2813.	
Section: 24.20..			
Subchapter 26, "Compliance With Diesel Emission Standards and Equipment, Periodic Inspection Program for Diesel Emissions, and Self-Inspection of Certain Classes of Motor Vehicles."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Section: 26.2, 26.16..			
Subchapter 28, "Inspection of New Motor Vehicles."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Sections: 28.3, 28.4, 28.6..			
Subchapter 29, "Mobile Inspection Unit."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Sections: 29.1, 29.2, 29.3..			
Subchapter 32, "Inspection Standards and Test Procedures To Be Used By Official Inspection Facilities."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	

**Environmental Protection Agency**

**§ 52.1620**

State regulation	State effective date	EPA approved date	Comments
Subchapter 33, "Inspection Standards and Test Procedures To Be Used By Licensed Private Inspection Facilities."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Subchapter 43, "Enhanced Motor Vehicle Inspection and Maintenance Program."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Subchapter 44, "Private Inspection Facility Licensing."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Subchapter 45, "Motor Vehicle Emission Repair Facility Registration."	May 19, 2003 ....	May 21, 2004, 69 FR 29235.	
Chapter 21			
Subchapter 5, "Registrations." ..... Section: 5.12..	Dec. 6, 1999 .....	January 22, 2002, 67 FR 2813.	
Subchapter 15, "New Jersey Licensed Motor Vehicle Dealers." ..... Section: 15.7..	Dec. 6, 1999 .....	January 22, 2002, 67 FR 2813.	
Title 16, Chapter 53			
"Autobus Specifications" .....	Sept. 26, 1983 ...	June 13, 1986 .....	Only Sections 3.23, 3.24, 3.27, 6.15, 6.21, 6.30, 7.14, 7.17, 7.23, 8.15, 8.22, 8.25 are approved.

[46 FR 57677, Nov. 25, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.1605, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EDITORIAL NOTE: At 72 FR 55672, Oct. 1, 2007, § 52.1605 was amended by revising the entry in the table for Subchapter 31 under Title 7, Chapter 27; the amendment was incorporated, however there was no Subchapter 31 of that portion of the table to revise.

**§ 52.1606 Visibility protection.**

(a) The requirements of section 169A of the Clean Air Act are not met because the plan does not include approvable procedures meeting the requirements of 40 CFR 51.305 and 51.307 for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring and new source review. The provisions of §§ 52.26 and 52.28 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

(c) *Long-term strategy.* The provisions of § 52.29 are hereby incorporated and made part of the applicable plan for the State of New Jersey.

[51 FR 23759, July 1, 1986, as amended at 52 FR 45137, Nov. 24, 1987]

**§ 52.1607 Small business technical and environmental compliance assistance program.**

On January 11, 1993, the New Jersey Department of Environmental Protection and Energy submitted a plan for

the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program for incorporation in the New Jersey state implementation plan. This plan satisfies the requirements of section 507 of the Clean Air Act, and New Jersey must implement the program as approved by EPA.

[59 FR 34386, July 5, 1994]

**Subpart GG—New Mexico**

**§ 52.1620 Identification of plan.**

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for New Mexico under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to July 1, 1999, was approved for