

and written authorization by the vehicle owner indicating the vehicle owner's approval to perform the specified work;

3. The authorized installer certification that purchase and installation were in accordance with the manufacturer's instructions and N.J.A.C. 7:27-32.5, if applicable, and warranty requirements at N.J.A.C. 7:27-32.9;

4. The vehicle owner's certification that the installation was completed and that access will be provided to vehicles or equipment to determine compliance with the terms and conditions of the reimbursement award;

5. The authorized installer certification that he or she did not provide false information or withhold information on the application for reimbursement such that the processing of the application based on the false or withheld information could result in the reimbursement of the authorized installer:

- i. Where the authorized installer was ineligible for reimbursement;
- ii. In an amount greater than that for which the authorized installer would otherwise be eligible; or
- iii. In an amount in excess of the actual costs of the installation or the amount to which the authorized installer is legally eligible; and

6. Justification for any difference between the actual cost provided pursuant N.J.A.C. 7:27-32.20(d) or (e) and the estimated cost provided pursuant to N.J.A.C. 7:27-32.4(d), 32.12(a)3 or 32.15(d)3.

(d) The Department will review and approve or deny each application for reimbursement and will forward the approved applications for reimbursement to the State Treasurer for payment. The State Treasurer will pay the reimbursement to the authorized installer only after the installation of the retrofit device or closed crankcase ventilation system, as approved by the Department.

(e) The Department will deny an application for reimbursement upon a finding that the applicant for reimbursement:

1. Provided false information on an application in support of reimbursement from the fund for which he or she was not otherwise eligible; or
2. Withheld information on an application that renders the applicant ineligible for reimbursement from the fund or ineligible for the amount of reimbursement applied for.

(f) Nothing in this section shall be construed to require the Department, the State Treasurer, or any other State agency or department, to undertake an investigation or make any findings concerning the conduct described in (e) above.

(g) During the review of the application, the Department may request additional information related to the purchase

and installation cost estimates, and any support documentation needed from the applicant to warrant and support payment in accordance with Treasury Circular Letter No. 98-17-CMB, as supplemented or amended, available at <http://www.state.nj.us/infobank/circular/circindx.htm>.

(h) The State Treasurer shall pay the reimbursement amount within 30 days after receipt of the approved application for reimbursement from the Department.

7:27-32.25 Recovery of reimbursement

(a) The State Treasurer may recover any reimbursement from the fund, upon a finding that:

1. The purchase or installation of a CCVS or BART on the vehicle or equipment for which the application for reimbursement was filed was not completed; or
2. The applicant for reimbursement:
 - i. Provided false information or withheld information on an application that renders the applicant ineligible for reimbursement from the fund;
 - ii. Received a larger reimbursement from the fund than the applicant would otherwise be eligible; or
 - iii. Received payments from the fund in excess of the actual costs incurred by the applicant or received reimbursement in excess of the amount for which the applicant is legally eligible.

(b) Nothing in this section shall be construed to require the State Treasurer, the Department, or any other State agency or department, to undertake an investigation or make any findings concerning the conduct described in (a) above.

SUBCHAPTER 33. (RESERVED)

SUBCHAPTER 34. TBAC EMISSIONS REPORTING

7:27-34.1 Definitions

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

"AP-42" means the January 1995, 5th edition of the manual entitled "Compilation of Air Pollutant Emission Factors," which is published by the EPA, including supplements A through G and any subsequent revisions, as amended and supplemented, incorporated herein by reference. The manual may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia, 22161, (703) 487-4650; or from the Superintendent of Documents, Government Printing Office, Washington, D.C.,

20402, (202) 783-3228. In addition, the manual can be accessed electronically through the EPA Technology Transfer Network CHIEF site at <http://www.epa.gov/ttn/chief/ap42/index.html>.

“Continuous emissions monitor” or “CEM” means a device that continuously measures the emissions from one or more source operations.

“Department” means the New Jersey Department of Environmental Protection.

“Emission year” means the calendar year during which emissions reported were emitted.

“EPA” means the United States Environmental Protection Agency.

“Manufacturer” means a person who manufactures, imports, assembles, processes, produces, packages, repackages, or re-labels a product. Manufacturer also includes any person for whom the product is manufactured, or by whom the product is distributed, if that person is identified as such on the product label. Manufacturer also includes any person who hires another person to manufacture a product for compensation.

“Ozone season” means the portion of each year beginning May 1 and ending September 30.

“Person” means an individual, public or private corporation, company, partnership, firm, association, society or joint stock company, municipality, state, interstate body, the United States, or any board, commission, employee, agent, officer or political subdivision of a state, an interstate body or the United States.

“Reasonably available” means, with respect to a method of quantification, a method that utilizes data or information that is already in the possession of a person at the time of reporting, or that can be obtained by such person through public sources. For example, a quantification method utilizing emission factors set forth in an AP-42 document is a reasonably available method.

“Reporting year” means the calendar year during which emissions are reported. This is the year immediately following the emission year.

“Responsible official” has the same meaning as defined at N.J.A.C. 7:27-1.4.

“State” means the State of New Jersey.

“TBAC” means tertiary butyl acetate or t-butyl acetate (CAS #540-88-5).

7:27-34.2 Applicability

(a) This subchapter applies to any person who:

1. Manufactures TBAC or a product containing TBAC, within the State; or
2. Manufactures a product containing TBAC for sale in the State.

7:27-34.3 Reporting requirements

(a) Each in-State manufacturer of TBAC, each manufacturer of a product containing TBAC for sale in the State, and each manufacturer who uses TBAC in a manufacturing process in the State, shall submit the following information regarding TBAC to the Department:

1. The name of the manufacturer;
2. The full mailing address of the manufacturer;
3. For an in-State manufacturing facility, the full street address of the facility where the product was manufactured;
4. The name, telephone number, and email address of a contact person;
5. The name, telephone number, and email address of the responsible official;
6. For each in-State manufacturer of TBAC or a product containing TBAC, the amount of TBAC emissions in pounds per ozone-season day and pounds per year from the facility;
7. For each manufacturer of a product containing TBAC, the TBAC emissions in pounds per ozone-season day and pounds per year from the use of the product in New Jersey;
8. The method used to estimate actual emissions, in accordance with N.J.A.C. 7:27-34.4;
9. The brand name of the product containing TBAC;
10. If the product containing TBAC is subject to the provisions of N.J.A.C. 7:27-16, 23, 24 or 26, the category to which the product belongs; and
11. If the product containing TBAC is not subject to the provisions of N.J.A.C. 7:27-23, 24 or 26, a description of the use for which the product is intended.

(b) The information shall be submitted to the Department in a format in accordance with guidance on the Department’s website at <http://www.nj.gov/dep/baqp> and shall:

1. Be submitted to the Department on a CD-ROM, diskette, or any other compatible electronic media unless:
 - i. Electronic submission would impose hardship on the manufacturer; and
 - ii. The Department approves a request from the manufacturer to submit the information on paper pursuant to (e) below;

2. Include properly signed certification in accordance with N.J.A.C. 7:27-1.39;

3. Include the emissions report and the certification and be submitted to the Department at the following address:

Attn: TBAC Emissions Report
Bureau of Air Quality Planning
Department of Environmental Protection
P.O. Box 418
401 East State Street
Trenton, New Jersey 08625-0418; and

4. Be submitted annually to the Department by April 30 of the reporting year.

(c) Any information submitted pursuant to this section shall not be claimed to be confidential, including under the procedures set forth at N.J.A.C. 7:27-1.6 through 1.29.

(d) A manufacturer who claims that electronic submission of its emissions report will impose a hardship shall submit annually a request to the Department to submit its emissions report on paper, rather than electronically, as follows:

1. The request shall include an explanation of the hardship that electronic submission would impose on the manufacturer;

2. The request shall include a statement of commitment from the manufacturer to obtaining the required resources to report future emissions reports electronically;

3. The Department shall not approve a manufacturer's request to submit its emissions report on paper unless the Department is satisfied that electronic submission would impose hardship on the manufacturer; and

4. The manufacturer shall submit the request to the Department at the following address:

Attn: TBAC Emissions Report
Bureau of Air Quality Planning
Department of Environmental Protection
P.O. Box 418
401 East State Street
Trenton, New Jersey 08625-0418

7:27-34.4 Methods to estimate actual emissions

(a) The method that shall be used to estimate actual emissions for a TBAC emissions report is the best available estimation method selected from Table 1 below. The best available estimation method is a method listed in Table 1 that is reasonably available and provides the most accurate estimation of the actual emissions from the emission source. A manufacturer submitting a TBAC emission report shall presume that the highest-ranked, reasonably available method in Table 1 is the best available estimation method and shall use that method, unless a different method is selected pursuant to (b) below.

TABLE 1: RANKING OF METHODS FOR ESTIMATING ACTUAL EMISSIONS

Ranking	Methods
1	Continuous Emissions Monitoring
2	Predictive Emissions Monitoring
3	Department-Approved and Supervised Source Emission Testing Performed during the Reporting Year
4	Department-Approved and Supervised Source Emission Testing Performed in a Prior Year
5	Mass/Material Balance
6	AP-42 Emission Factor or Other EPA-Approved Emission Estimation Methodology or Selection of a Source Emission Test for a Similar Size Unit from the AP-42 Basis and Background Documents
7	Manufacturer's Estimate
8	Others (including): <ul style="list-style-type: none"> • Industry Council or Organization Emission Factor • Source Emission Testing Not Approved or Supervised by the Department • Good Engineering Judgment/Factor

(b) A method listed in Table 1 that is ranked lower than the highest-ranked reasonably available method may be used to estimate emissions for a TBAC emissions report if:

1. The manufacturer can demonstrate that use of the lower-ranked method results in more accurate estimation of emissions than would have been achieved using any higher-ranked, reasonably available method; or

2. Use of the lower-ranked method is consistent with EPA's guidance, including its hierarchy for emission calculation methods and/or its identification of preferred methods for specific types of emission sources, as set forth in the EPA's Emissions Inventory Improvement Program (EIIP) Guidance for Emissions Inventory and Development, as supplemented or amended, which is incorporated by reference herein, and which is available from the EPA website at <http://www.epa.gov/ttn/chief/eiip/techreport/>.

(c) For each emissions calculation method used in a TBAC emissions report that is a lower-ranked method being used pursuant to (b) above, a written justification shall be prepared documenting the basis for the use of the lower-ranked method. This justification shall be maintained on-site and be provided to the Department upon request. The justification shall:

1. Identify the estimation method that was the highest-ranked reasonably available method pursuant to the rankings in Table 1;

2. Identify the method selected by the manufacturer pursuant to (b) above; and
3. Explain how selection of this method conforms to the applicable condition(s) in (b) above.

7:27-34.5 Recordkeeping requirements

(a) For each TBAC emissions report submitted to the Department, the manufacturer shall maintain the following records for a period of five years from the date each submittal is due:

1. An electronic copy and a paper copy of the TBAC emissions report submitted to the Department; and

2. Records indicating how the information submitted in the TBAC emissions report was determined, including any calculations, data, measurements, and estimates used.

(b) Upon the request of the Department, the manufacturer shall make these records available for inspection by any representative of the Department during normal business hours.

(c) Upon receipt of a written request from the Department, the manufacturer shall timely submit a copy of the records specified in (a) above to the Department by mail or by other means agreed to by the Department.