

THE AIR POLLUTION CONTROL CODE OF THE ESSEX REGIONAL HEALTH COMMISSION

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE
AIR POLLUTION CONTROL CODE OF THE ESSEX
REGIONAL HEALTH COMMISSION**

1: TITLE AND CITATION

**1:1 TITLE: This Ordinance Shall Be Known As The AIR
POLLUTION CONTROL CODE OF THE ESSEX
REGIONAL HEALTH COMMISSION**

**1:2 Findings and Declaration of Policy: It is hereby
declared that air pollution is a menace to the health, wel
fare, and comfort of the inhabitants of the member munici
palities of the Essex Regional Health Commission and a cause
of substantial damage to property. For the purpose of
prevention and reducing or otherwise controlling atmospheric
pollution as herein defined, it is hereby declared to be the
policy of the Essex Regional Health Commission to establish
standards governing the installation, maintenance and opera
tion of equipment and appurtenances relating to combustion,
to effect and maintain control of stationary point and other
sources of air pollution by whatever means appropriate, and
to develop and process data of both a qualitative and quan
titative nature with references to all point sources of
emissions within the confines of the subscribing municipali
ties for purposes of environmental impact assessment, evalu
ating conformance to standards, and to require emissions re
duction where it can be demonstrated that an undue risk to
public health exists or appropriate control procedures are**

not in operation. To this end, the Health Commission has adopted this code and framed the requirements therein in the broadest possible fashion to ensure a scope as broad as possible consistent with this statement of policy and limited only by the restrictions set forth in N.J.S.A. 26:2C-22 as amended.

2: DEFINITIONS:

2:1 Meaning of Certain Words: The following terms wherever used herein or referred to in this code shall have the respective meanings assigned to them unless a different meaning clearly appears from the context.

"ACTUAL EMISSION RATE" The mass of air contaminants emitted through a stack or chimney under normal operating conditions.

"AGENCY" ESSEX REGIONAL HEALTH COMMISSION

"AIR CONTAMINANT" Solid particles, liquid particles, vapors, fumes, or gases, exclusive of water vapor or air as it exists in its natural state, which are discharged into the outdoor atmosphere.

"AIR CONTAMINATION SOURCE" means, any point source which emits an air contaminant from a manufacturing or storage process, excluding fuel burning units and incinerators which are regulated under Section 9 of this code.

"AIR POLLUTION" The presence in the outdoor atmosphere of one or more air contaminants in quantities which are or tend to be, injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the comfortable enjoyment of life or property throughout the municipalities (Health and safety hazards as they apply to the employer-employee relationship are specifically excluded.)

"ASBESTOS" means, actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

"ASPHALT" means a solid, semisolid or liquid material of which the main constituents are bitumens.

"COMMERCIAL FUEL" means solid, liquid, or gaseous fuel normally produced, manufactured, used or sold for the purpose of creating useful heat.

"CONDOMINIUM" A form of property ownership whereby the purchaser receives fee ownership to a particular unit and an undivided percentage interest in the common elements of the building(s) and property.

"CONSERVATION VENT" means any valve designed and used to reduce evaporation losses of volatile organic substances by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

"CONTROL APPARATUS" means any device which prevents or controls the emission of any air contaminant.

"CO-OP or COOPERATIVE APARTMENT" A form of property ownership whereby the purchaser of a unit receives shares of stock in the entire building and a proprietary lease to a particular unit, but fee ownership is never transferred. All property ownership is in the name of the Cooperative Association.

"CUTBACK ASPHALT" means any paving asphalt which has been liquified by blending with petroleum solvents, or produced directly from the distillation of petroleum and having vaporization properties similar to the blended and liquified asphalt.

"DELIVERY VESSEL" means any mobile storage tank including, but not limited to, tank trucks or railroad tank cars.

"DIESEL-POWERED MOTOR VEHICLE" A self-propelled vehicle designed primarily for transporting person or property on a public street or highway which is propelled by a compression ignition type of internal combustion engine.

"DIESEL POWERED ENGINE" A mechanism for converting energy into mechanical force and motion by using a compression ignition type of internal combustion engine.

"DIRECT HEAT EXCHANGER" Equipment in which heat from the combustion of fuel is transferred to a substance being heated so that the latter is contacted by the products of combustion and may contribute to the total effluent.

"DIRECTOR" The person or persons who are authorized by this Ordinance to exercise the powers herein prescribed.

"DOUBLE SEAL FLOATING ROOF" means a floating roof

with two complete and separate seal-envelope combinations, one above the other, containing an enclosed space between them. At least one of the seals must be supported by a mechanism which maintains constant seal contact with the inner surface of the vessel walls, despite surface and altitude irregularities.

"ECONOMIC POISONS" Those chemicals used as insecticides, rodenticides, fungicides, herbicides, nematocides, or defoliants.

"EMULSIFIED ASPHALT" means asphalt which has been liquified by mixing with water and an emulsifying agent.

"EQUIPMENT" means any device capable of causing the emission of an air contaminant into the outdoor atmosphere, and any stack, chimney, conduit, flue, duct, or similar device connected or attached to or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by manufacturing process.

"EXTERNAL FLOATING ROOF" means movable roof in an otherwise open top storage vessel consisting of a floating deck resting on the surface of the liquid contents, and continuous seal supported against the inner surface of the tank shell, and an envelope closing the gap between the floating deck and the seal, and entire deck-seal-envelope combination free to rise and fall with the surface of the liquid during filling and emptying of the storage vessel.

"FACILITY" means the combination of all structures, buildings, equipment, storage vessels, source operations and other operations located on one or more contiguous or adjacent properties owned or operated by the same person.

"FLOATING ROOF" means an external or internal pontoon type of double-deck type roof resting on the surface of the liquid contents in a storage vessel, and equipped with a mechanism providing one or more tight seals in the space between the floating roof rim and the vessel shell throughout the entire vertical travel distance of the roof, or any other floating type mechanism approved by the Department of Environmental Protection for the purposes of preventing air contaminants from being discharged into the outdoor atmosphere.

"FRIABLE MATERIAL" means any material which can be crumbled, pulverized, or reduced to powder by hand pressure.

"FUEL BURNING UNIT" A mechanical device which consumes fuel for the production of heat or power serviced by a separate ignition system the products of combustion which are vented or exhausted to the outdoor atmosphere.

"FUEL" Solid, liquid, or gaseous materials, used to produce useful heat by burning.

"FUGITIVE EMISSION" Emission introduced into the outdoor air other than by a stack, chimney, pollution control system, or other device.

"GARBAGE" Animal or vegetable waste matter from homes, kitchens, restaurants, hotels, produce markets, or from any other source, or food of any kind that is to be discarded.

"GASOLINE" means any petroleum distillate having a Reid vapor pressure of four pounds (207 millimeters of mercury) or greater and used as an automotive fuel.

"GASOLINE DISPENSING FACILITY" means a facility consisting of one or more stationary gasoline storage tanks together with dispensing devices used to fill vehicle fuel tanks.

"HAZARDOUS SUBSTANCES" means such elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection, after hearing, and which shall be consistent to the maximum degree possible with, and which shall include, the list of hazardous substances adopted by the Federal Environmental Protection Agency pursuant to Section 311 of the Federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act, 1977, 33 U.S.C. 1251 et seq provided however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of these rules.

"HEAT INPUT RATE" means the rate at which the aggregate heat content based on the higher heating value of the fuel is introduced into the fuel burning equipment.

"HVAC UNIT" A single device which heats, cools, and provides air exchange for an interior space.

"INCINERATORS" any device, apparatus, equipment, or structure used for destroying, reducing, or salvaging, by fire, any material or substance, including but not limited

to refuse, rubbish, garbage, debris, or scrap, or any facility for cremating human or animal remains. This shall not include equipment utilized for the thermal or chemical oxidation of air contaminants, which equipment is defined as control equipment.

"INDIRECT HEAT EXCHANGER" Equipment in which heat from the combustion of fuel is transferred by conduction through a heat conducting material to a substance being heated, so that the latter is not contacted by, and adds nothing to, the products of combustion.

"INDUSTRIAL/COMMERCIAL FACILITIES" shall include all facilities utilized for the conduct of an industrial/commercial enterprise including rental dwelling units served by a fuel burning unit(s) common to an industrial/commercial enterprise. Buildings solely comprising more than seven residential units shall be considered commercial/industrial facilities.

"INTERNAL CROSS-SECTIONAL DIMENSION" Any maximum linear perpendicular distance from an inside wall of a stack or chimney to the inside of an opposite wall, such as the diameter of a circular cross-section or width of a rectangular cross-section.

"LIQUID PARTICLES" Particles which have volume but are not of rigid shape and which upon collecting tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"MAJOR STATIONARY SOURCE" Any stationary facility or source of air pollutants which directly emits, or has the potential to emit one hundred tons per year or more of any pollutant.

"MANUFACTURING PROCESS" Any action, operation or treatment involving chemical, industrial, commercial, manufacturing, or processing factors, methods or forms, including, but not limited to furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers, absorbers, or surface coating.

"MANUFACTURING PROCESS VESSELS" means any container wherein a manufacturing process, or any part thereof, takes place.

"MARINE INSTALLATION" Equipment for propulsion, power, or heating on all types of marine craft and floating equipment.

"MOBILE SOURCE" Equipment designed or constructed to be portable or movable from one location to another, including, but limited to aircraft, locomotives operating on rails, tractors, earth moving equipment, hoists, and mobile power generators.

"MONITOR" Check, test, observe, survey, or inspect to determine compliance with environmental health standards.

"MOTOR VEHICLE" means every device in, upon or by which a person or property is or may be transported, excepting devices moved by non-mechanical power or used exclusively upon stationary rails or tracks.

"MUNICIPALITIES" The municipalities participating in and receiving environmental services from the Essex Regional Health Commission.

"MULTIPLE CHAMBER INCINERATORS" An incinerator with two or more refractory-lined combustion chambers in series physically separated by refractory walls, interconnected by gas passages, and employing adequate design parameters necessary for maximum combustion of the waste material.

"ODOR" Property of a substance which affects the sense of smell.

"OPACITY" The property of a substance which is partially or wholly obstructive to the transmission of visible light expressed as the percentage to which the light is obstructed.

"OPEN BURNING" Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through the stack or chimney of an incinerator.

"OPEN TOP TANKS" means any vessel in which a manufacturing process, or any part thereof, takes place during which there is an opening to the atmosphere greater than 25 percent of the surface area of any liquid substance contained therein.

"OPERATOR" Any person who has care, custody, or

control of buildings or premises or a portion thereof, whether with or without knowledge of the owner thereof.

"ORGANIC SUBSTANCE" means any chemical compound or mixture of chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonate.

"OUTDOOR ATMOSPHERE" Air space outside the buildings, stacks, or exterior ducts.

"OWNER" Any person who alone or jointly or severally with others shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, including but not limited to a dwelling or dwelling unit, as owner or agent of the owner, or as a fiduciary, including, but not limited to executor, administrator, trustee, receiver, guardian, or as a mortgagee in possession regardless of how such possession was obtained. Any person who is a leasee or subleasee of all or part of any premises, including, but not limited to dwelling or dwelling unit, shall be deemed to be a co-owner with the lessor and shall have a joint responsibility with the owner over the premises or portion thereof so leased or subleased.

"PARTICLES" Any material except uncombined water, which exists in finely divided form as liquid particles or solid particles at standard conditions.

"PENETRATING PRIME COAT" means a low viscosity liquid asphalt applied to a surface in order to prepare it for paving with an asphalt concrete.

"PERSON" The word "person" means and shall include corporations, companies, associations, societies, firms, partnerships, and joint stock companies, as well as individuals and shall also include all political subdivisions of this State and or any agencies or instrumentalities thereof.

"PETROLEUM DISTILLATE" means any mixture of volatile organic substance produced by condensing vapors of petroleum during distillation, including, but not limited to: naphthas, aviation, gasoline, motor gasoline, kerosene, diesel oil, domestic oil, and petroleum solvents.

"PETROLEUM SOLVENT DRY CLEANING" means a process for the cleaning of textiles and fabric products in which articles are washed in a solution of organic material produced by petroleum distillation and synthesis that exists

as a liquid under standard conditions, and then dried by exposure to a heated air stream.

"PLANT LIFE" Vegetation, including, but not limited to trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds, and crops.

"POINT SOURCE" means any stationary, discernible, confined and discrete conveyance or conduit, including, but not limited to, any stack, chimney, duct, exhaust, ventilator, flue, or breather, so arranged or designed as to conduct an effluent into the outdoor air.

"POSITIVE PRESSURE VENTILATION" means any ventilation system in which pressurized air from a compressed air manifold, fan or similar devices is blown into a work area.

"POTENTIAL EMISSION RATE" The mass of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

"PUBLIC RIGHT-OF-WAY" means any street, avenue, boulevard, highway, sidewalk, or similar place which is owned or controlled by a governmental entity.

"RECEIVING VESSEL" means any vessel into which a volatile organic substance is introduced including, but not limited to, storage tanks, delivery vessels, and manufacturing process vessels.

"REFUSE" Air putrescible and non-putrescible waste (except body waste), including, but not limited to garbage, rubbish, yard trimmings, leaves, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial waste.

"RESEARCH AND DEVELOPMENT LABORATORY" A facility, the primary purpose of which is to conduct research and development into new processes and products, including academic and technological research and development, provided that such facility is operated under the close supervision of technically trained personnel and is not engaged in the manufacture of products for commercial sale, except in a de minimus manner.

"RINGELMANN SMOKE CHART" Ringelmann's scale for grading the density of smoke, published by the United States Bureau of Mines, or any chart, recorder, indicator, or de

vice for the measurement of smoke density which is approved by the State Department of Environmental Protection of the State of New Jersey, as the equivalent of said Ringelmann's scale for the measurement of smoke density.

"RUBBISH" Solids not considered to be highly flammable or explosive, including, but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, tin cans, glass, crockery, masonry, and other similar materials.

"SALVAGE OPERATIONS" Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including, but not limited to metal, chemicals, shipping containers, or drums.

"SEAL ENVELOPE COMBINATION" means a barrier to the passage of volatile organic substance vapors between a floating roof and the inner surface of a storage vessel wall, consisting of a seal which maintains constant contact with the wall as the floating roof rises and descends with the level of the stored volatile organic substance, and a membrane, diaphragm, fabric, or blanket, known as an envelope, which spans the gap between the floating roof and the seal and which is vapor-tight.

"SMOKE" Small gas-borne or air-borne particles, exclusive of water vapor, arising from a process of combustion in sufficient number to be observable.

"SOLID PARTICLES" Particles of rigid shape and definite volume.

"SOURCE OPERATION" Any manufacturing process of any identifiable part thereof emitting an air contaminant into the outdoor atmosphere through one or more stacks or chimneys.

"SPACE HEATERS" A self contained, vented fuel burning appliance complete with grills or their equivalent, designed for incorporation in or permanent attachment to, a wall, floor ceiling or partition and furnishing heated air circulated by gravity, radiation or by fan directly into the space to be heated through openings in the casing.

"STACK OR CHIMNEY" A flue, conduit, or opening permitting particulates or gaseous emissions into the open air, or constructed or arranged for such purposes.

"STANDARD CONDITIONS" Shall be 70 degrees F, and one atmosphere pressure (14.7 PSIA or 760 MM HG.)

"STORAGE TANK" means any tank, reservoir, or vessel which is a container for liquids or gases, wherein no manufacturing process or part thereof, takes place.

"SUBMERGED FILL PIPE" means a fill pipe whose point of discharge into the receiving vessel is entirely submerged when the liquid level is no more than 6 inches (15.2 centimeters) above the vessel bottom or, in the case of a top or side-entering fill pipe, when the liquid level is no more than three times the inside radius of the fill pipe plus 5 inches (12.7 centimeters), but no more than 42 inches (106.7 centimeters) above the vessel bottom.

"SURFACE CLEANER" means a device to remove unwanted foreign matter from the surfaces of non-porous or non-absorbent materials by using volatile organic substance solvents in liquid or vapor state.

"SURFACE COATING FORMULATION" means the material including, but not limited to, paint, varnish, ink, and adhesive, applied to a solid surface in order to achieve a finished coating.

"SURFACE COATING OPERATION" means the application and solidification of a surface coating formulation.

"TANK" means any container whose walls are constructed of material which is rigid and self supporting.

"TOXIC SUBSTANCE" Those pollutants, or combination of pollutants including disease causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly or indirectly by ingestion through food chains, will, on a basis of information available to the commission, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions, including malfunction in reproduction, or physical deformation, in such organisms or their offspring.
"TOXIC VOLATILE ORGANIC SUBSTANCE" means one of the substances listed as follows:

Benzene (benzol)

Carbon tetrachloride (tetrachloromethane)

Chloroform (trichlormethane)

Dioxane (1,4-diethylene dioxide)

Ethylenimine (aziridine)

Ethylene Dibromide (1,2-dibromethane)
Ethylene Dichloride (1,2 -dichloroethane)
1,1,2,2-tetrachloroethane (sym tetrachloroethane)
Tetrachloroethylene (perchloroethylene)
1,1,2-trichloroethane (vinyltrichloride)
Trichloroethylene (trichloroethene)

"TRANSFER OPERATIONS" means the moving of any substance from any storage tank, manufacturing process vessel, or delivery vessel into any receiving vessel.

"VAPOR" means the gaseous form of substances which, under standard conditions, are in the solid or liquid state and which can be changed to these states by either increasing the pressure or decreasing the temperature.

"VAPOR BALANCE SYSTEM" means a system for controlling vapor losses during the transfer of volatile organic substance liquid from one vessel to another vessel or tank by means of the simultaneous counter-transfer of displaced vapors from the receiving vessel to the vessel supplying the liquid.

"VAPOR CONTROL SYSTEM" means a system for preventing the emission of organic vapors into the outdoor atmosphere.

"VAPOR PRESSURE" means the pressure of the vapor phase of a substance, or the sum of the partial pressures of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the substance or substances.

"VAPOR TIGHT" means not capable of allowing the passage of gases at the pressures encountered.

"VISIBLE SMOKE" Smoke which obscures light to a degree readily discernible by visual observation.

"VOLATILE ORGANIC SUBSTANCE" or "VOC" means any compound of carbon (other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate) which precipitates in atmospheric photochemical reactions. For the purpose of determining compliance with emission limits or content standards, VOC shall be measured by test methods in the approved SIP (such as N.J.A.C. 7:27B-3) or 40 CFR Part 60, Appendix A, as applicable, or which have been approved in writing by the NJDEP and are acceptable to EPA. This term

does not include the compounds which EPA has excluded from its definition of VOC in the list set forth at 40 CFR 51.100(s)(1), which is incorporated by reference herein, together with all amendments and supplements. The list at 40 CFR 51.100(s)(1) currently includes the compounds and the classes of perfluorocarbons set forth below:

methane
ethane
methylene chloride (dichloromethane)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
dichlorodifluoromethane (CFC-12)
trifluoromethane (HFC-23)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,2-dichloro-1,1,2,2-tetrafluoroethane(CFC-114)
chloropentafluoroethane (CFC-115)
chlorodifluoromethane (HCFC-22)
2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
1,1,-dichloro-1-fluoroethane (HCFC-141b)
1-chloro-1,1-difluoroethane (HCFC-142b)
pentafluoroethane (HFC-125)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,1-trifluoroethane (HFC-143a)
1,1-difluoroethane (HFC-152a)
parachlorobenzotrifluoride (PCBTF) cyclic, branched
or linear completely methylated siloxanes

Classes of perfluorocarbons:

cyclic, branched, or linear, completely fluorinated
alkanes cyclic, branched, or linear, completely fluorinated
ethers with no unsaturations cyclic, branched, or linear,
completely fluorinated tertiary amines with no unsaturations
sulfur containing perfluorocarbons with no unsaturations
and with sulfur bonds only to carbon and fluorine

If there is any conflict between the list at 40 CFR 51.100(s)(1) and the list set forth above, the list at 40 CFR 51.100(s)(1) shall control.

3: AIR POLLUTION PROHIBITED:

3:1 No person shall cause, suffer, allow, or permit to be emitted into the open air substances in such quantities

as shall result in air pollution.

3:2 The provisions of this section shall not apply to the use of economic poisons where their application is conducted or supervised by a duly licensed person as certified by the Department of Environmental Protection.

4: OPEN BURNING PROHIBITED:

4:1 No person shall cause, suffer, allow, or permit:

(A) A salvage operation by open burning;

(B) The disposal of rubbish, garbage or trade waste, or buildings or structures, by open burning;

(C) The disposal of any type of plant life by open burning;

(D) A fire above ground or below ground, on the property or premises owned, leased, operated or maintained by said person.

4:2 The provisions of this section shall not apply to:

(A) A variance approved and issued by the New Jersey Department of Environmental Protection in Accordance with N.J.A.C. 7:27 et seq.

(B) Open burning of refuse for training or research exercises which conducted at a permanent facility or training center designed to be used solely for such purposes on a continuing basis.

(C) The use of open burning and/or smoke causing products or agents for motion picture, television or other artistic special-effects provided application in writing is presented 72 hours in advance to Essex Regional Health Commission, stating the location, time, nature, and duration of said activity and provide a minimum of emissions to produce such an effect, and proper approval is granted by the N.J.D.E.P..

5: SMOKE EMISSIONS:

5:1 Smoke Emissions from Stationary Indirect Heat Exchanger:

(A) No person shall cause, suffer, allow, or permit visible smoke to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger except as provided in subsection (B) of this Section.

(B) No person shall cause, suffer, allow, or permit smoke the shade or appearance of which is darker than No.1 on the Ringelmann Smoke Chart or greater than 20% opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary indirect heat exchanger having a rated capacity of 200 million BTU or greater gross heat input and discharging through a stack or chimney having all internal cross-sectional dimensions of 60 inches or greater.

(C) The provisions of subsections (A) and (B) of this Section shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

5:2 Smoke Emissions From Marine Installations:

(A) No person shall cause, suffer, allow, or permit smoke the shade or appearance of which is darker than No. 1 on the Ringelmann Smoke Chart or greater than 20% opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in the indirect heat exchanger of any marine installation.

(B) The provisions of subsection (A) of this Section shall not apply to smoke which is visible for a period of not longer than three minutes in any consecutive 30 minute period.

5:3 Smoke Emissions From The Combustion of Fuel in Mobile Sources:

(A) No person shall cause, suffer, allow, or permit smoke the shade or appearance of which is darker than No.2 on the Ringelmann Smoke Chart or greater than 40% opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in any mobile source for a period of more than 10 consecutive seconds.

5:4 Smoke Emissions from Stationary Internal Combustion Engines And Stationary Turbine Engines:

(A) No person shall cause, suffer, allow, or permit smoke the shade or appearance of which is darker than No.1 of the Ringelmann Smoke Chart or greater than 20% opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in any stationary internal combustion engine or any stationary turbine engine for a period of more than 10 consecutive seconds.

5:5 Smoke Emissions from Diesel Powered Motors:

(A) No person shall cause, suffer, allow, or permit smoke the shade or appearance of which is darker than No. 1 of the Ringelmann Smoke Chart or greater than 20% opacity, exclusive of visible condensed water vapor, to be emitted into the outdoor air from the combustion of fuel in any diesel motor for a period of more than 10 consecutive seconds.

6: Emission of Particles From Manufacturing Process:

6:1 No person shall cause, suffer, allow, or permit particles to be emitted from any stack or chimney into the outdoor air, the shade or appearance of which is greater than 20% opacity, exclusive of water vapor.

6:2 Provisions of This Section Shall Not Apply To:

(A) Particles the shade or appearance of which is greater than 20% opacity, exclusive of water vapor, for a period of not longer than three minutes in any consecutive 30 minute period.

(B) Source operations issued a variance by the New Jersey Department of Environmental Protection in accordance with N.J.A.C. 7:27-6.5.

(C) Indirect heat exchanger

(D) Incinerators

6:3 Fugitive Emissions Prohibited:

No person shall cause, suffer, allow, or permit:

(A) The operation of construction sites without adequate mud and dust control measures on all roadways.

(B) Demolition activities unless watering is done twice daily at 0.5 gal/sq.yd., or the equivalent wetting power using a solvent, in the active demolition area.

(C) The demolition or renovation of an institutional, industrial, or commercial building containing friable asbestos materials unless,

1. Report to EPA Regional II, Enforcement Division is received by them at least 10 days prior to commencement in accordance with 40 CFR 61.22(d)(2).

2. Removal procedures are conducted in compliance with 40 CFR 61.22(d)(4).

(D) Unpaved roadways or parking lots without adequate mud and dust control measures.

(E) Storage piles whereby particulate matter is entrained and deposited onto neighboring property.

(F) Fugitive emissions from charging doors, duct work, vents, windows, doors, outdoor industrial operations and materials handling whereby particulates are deposited onto neighboring property.

6:4 No person shall cause, suffer, allow, or permit surface coating by spraying on any building, structure, facility, installation, or internal or external portion thereof, asbestos, or friable materials containing in excess of 0.25% (by weight) asbestos.

6:5 No person shall engage in demolition or renovation activity involving asbestos unless such activity is in accordance with Section 6.3(C).

6:6 TESTS:

(A) Any person responsible for the manufacture, application, or use of any coating, which the Director or the agent thereof, has reason to believe contains asbestos shall, when requested by the Director, conduct such tests as are necessary in the opinion of the Director to determine

the presence and the amount and, or kinds of asbestos in the coating. Such tests shall be conducted in a manner approved by the Director and shall be made at the expense of the person responsible.

(B) The Director may waive the testing requirements of subsection (A) of this Section upon receipt of a materials specification report from the material manufacturer certifying that the asbestos content of the surface coating for which testing is required complies with the provisions of Section 6.4 hereof.

7: Incinerators:

7:1 Single Flue Fed Incinerator Prohibited:

(A) No person shall construct, install, use or cause to be used any single flue fed incinerator unless such incinerator is approved by the N.J.D.E.P. as being equally effective for the purpose of air pollution control.

7:2 Operating Incinerators:

(A) No person shall construct, install, use or cause to be used any incinerator unless such incinerator is:

- 1. Of the multiple chamber type, or**
- 2. Of a type approved by the New Jersey Department of Environmental Protection and rated by it as being equally effective for the purpose of air pollution control.**

7:3 Emissions:

(A) No person shall cause, suffer, allow, or permit:

- 1. Smoke from any incinerator, the shade or appearance of which is darker than No.1 on the Ringelmann Smoke Chart, to be emitted into the outdoor air.**
- 2. Emissions of an opacity within a stack or chimney exclusive of water vapor, or an opacity leaving a stack or chimney, to a degree greater than the emissions designated as No. 1 of the Ringelmann Smoke Chart.**

7:4 Exemptions:

(A) The provisions of Section 7:3 shall not apply to smoke emitted during the building of a new fire, the shade or appearance of which is not darker than No. 2 of the Ringelmann Smoke Chart, for a period of no longer than three consecutive minutes, or the emissions of such opacity within a stack or chimney, exclusive of water vapor, of such opacity leaving a stack or chimney to a degree which is not greater than the emission designated as No. 2 of the Ringelmann Smoke Chart, for a period of no longer than three consecutive minutes.

7:5 Visible Particles:

(A) No person shall cause, suffer, allow, or permit, the emission of particles of unburned waste or ash from any incinerator which are individually large enough to be visible while suspended in the atmosphere.

7:6 Time of Operation:

(A) No person shall operate, or permit in the municipalities, the operation of, any incinerator prior to 7:00 a.m. or after 5:00 p.m. of any day. All operations including complete extinction of the fire and removal of material in a safe manner from the firebox to a non-combustible container shall be completely terminated by 5:00 p.m., provided, however, that by special permit, the Director may, because of exceptional circumstances, permit different hours of operation under such conditions as it shall deem necessary for health, safety, and welfare of the public or persons in the vicinity.

(B) Any person seeking a variance to operate beyond those times specified in 7:7(A) shall submit in writing to the Director a written request setting forth in detail the reason for the request. Upon review of said written request the Director may request of the applicant information deemed necessary by him (the Director) in order to make a proper determination. Where it is so deemed necessary by the Director the applicant shall conduct stack testing by methods approved by the Director and provide the results of such stack testing to the Director for review pursuant to making determinations relative to an application for a variance.

(C) Where a variance is granted pursuant to this Section the Director shall amend the applicable permit(s)

issued under authority of Section 7:9 of this Ordinance to reflect conditions as amended.

(D) This section shall not apply to any incinerator equipped with a certified Continuous Opacity Monitor (COM) and recorder, that is properly operated and maintained.

7:7 Sealing Incinerators:

(A) Where the operation of an incinerator constitutes an immediate and substantial menace to public health and safety, or is a substantial source of air pollution causing irritation and discomfort to persons in the vicinity, and the owner or operator fails upon written or oral notice to take immediate corrective measures, the Director may take all necessary measures to abate the condition including, but not limited to ordering the cessation of use of the equipment and sealing the same, pending a hearing in the Municipal Court.

7:8 Permits:

(A) No person shall operate or permit the operation of an incinerator without a permit issued by the Director in accordance with this Code. The permit shall be maintained and displayed at the location of the incinerator. The Director shall recommend issuance of a permit for the operation of an incinerator after examining the application and inspecting the facility and being satisfied that it may be operated in accordance with this Code. Said permit may be conditioned on improvements being made within a prescribed time or on certain operating restrictions, if necessary, to comply with this Code. All permits shall be issued by the Director for a period of five years and shall expire on December 31 of the fifth year of the cycle, or at such time prior thereto as any conditions or restrictions shall not be complied with. Applications and remittances for permits must be filed within ninety days of the commencement of each permit cycle. The cycle shall commence on January 1, 1997 and expire five years thereafter on December 31, 2001.

(B) A new cycle shall commence every fifth year subsequent to January 1, 1992 (1997, 2002, 2007) and shall require a permit renewal. Application not completed and filed within the above specified time period shall be considered delinquent and subject to penalty as herein prescribed.

(C) Each incinerator shall require a five year permit for which the fee shall be \$875.00, payable to the

Essex Regional Health Commission. The total of all fees assessed pursuant to this Code shall not exceed \$1,000/year for any single facility.

(D) Fees for permits for newly constructed incinerators issued subsequent to the beginning of the permit cycle shall be calculated on the basis of remaining months in the cycle beginning with the first day of the month in which the incinerator is placed in operation and extending through the permit cycle.

(E) An application for a permit for an incinerator shall supply the following information;

(a) The nature of the installation.

(b) A description of safety and fire protection devices.

(c) A description of the equipment configuration.

(d) A description of air pollution control equipment.

(e) The name, address, and telephone number of the person(s) responsible for the operation and maintenance of the incinerator.

(f) Such other information as the Commission may require.

7:9 Exemptions:

(A) Fume incinerators or thermal oxidizing equipment utilized for emissions control shall be considered pollution control equipment for purposes of registration as required in Section 10. Such units when utilized as control equipment for an incinerator shall be indicated on the permit application as required by 7:9(D).

(B) Resource Recovery Facilities and Hazardous Waste Incinerators as defined by the N.J.A.C. 7:26-1.4 shall not require a permit pursuant to this ordinance; provided, such facilities and incinerators shall be considered Air Contamination Sources pursuant to this Ordinance and therefore shall require a CERTIFICATE OF REGISTRATION as set forth in Section 10.

(C) Incinerators operating at any facility which are required to obtain an Operating Permit issued under authority of Title V of the federal Clean Air Act, 42 U.S.C. s7561 et seq., and federal regulations codified at 40 C.F.R. Part 70, shall be exempt from these permitting requirements.

7:10 Permits may be transferred from one owner to another in the course of transferring ownership of a property or enterprise, provided:

(A) An amended application is filed with the Commission setting forth all information relative to change in ownership,

(B) All conditions, emissions, locations and operating parameters indicated in the original application remain unchanged.

Where either of the above conditions are not met a new permit must be obtained in accordance with Section 7.9(A)

7:11 Revocation of Permits:

(A) A permit to operate an incinerator may be denied or rescinded under the following conditions:

(a) The owner has failed to provide information as required.

(b) An incinerator is found to be operating in contravention to the conditions and information set forth in the application.

(c) Incineration equipment is altered or relocated without due notification to the Director and proper revision to the application.

(d) The incinerator is determined to be operating in contravention to Section 7 of this Ordinance

7:12 Inspections: All incinerators may be inspected by the Director or his agent prior to the issuance of a permit and shall be subject to inspection at any time by the Director or his agent during the term of the permit.

8: Idling of Vehicles Not In Motion Limited:

8:1 No person shall cause, suffer, allow, or permit the motor of a diesel-powered or gasoline-powered vehicle to be in operation for more than three consecutive minutes if the vehicle is not in motion except,

(A) A motor vehicle at the vehicle operator's place of business where the motor vehicle is permanently assigned may idle for 30 consecutive minutes; or

(B) A motor vehicle may idle for 15 consecutive minutes when the vehicle engine has been stopped for three or more hours.

8:2 The Provisions of Section 8:1 Shall Not Apply To:

(A) Buses discharging or picking up passengers, or

(B) Vehicles stopped in a line of traffic, or

(C) Vehicles whose primary and/or secondary power source is utilized in whole or in part for necessary and definitively prescribed mechanical operations other than propulsion, passenger compartment heating or air conditioning;

(D) Motor vehicles being or waiting to be examined by State or Federal motor vehicle inspectors;

(E) Emergency motor vehicles in an emergency situation;

(F) Motor vehicles while being repaired;

(G) Motor vehicles while engaged in the process of connection, detachment or exchange of trailers; or

(H) Motor vehicles manufactured with a sleeper berth while being used, in a non-residentially zoned area, by the vehicle's operator for sleeping or resting.

9: Certificates of Registration For Fuel Burning Units:

(A) No person shall use of cause to be used any fuel burning unit for industrial/ commercial purposes without first obtaining a registration certificate. Such certificates shall be valid for five years, from January 1 of the first year of the cycle to December 31 five years thereafter, unless sooner revoked or amended. Information on

either new installations being placed into service or existing installations which have been altered shall be submitted to the Director within one month of their introduction into service of alteration.

(B) A new cycle will commence every fifth year subsequent to January 1, 1992 (1997, 2002, 2007) and each shall require a registration certificate renewal.

(C) Applications and remittances for registration certificates shall be filed within 90 days of the commencement of each registration cycle. The cycle shall commence on January 1, 1997 and expire five years thereafter on December 31, 2001. Applications not completed and filed within 90 days shall be considered delinquent and shall subject the owner and operator of such equipment to joint and several liability in penalty actions as herein prescribed.

(D) Extensions of time required to complete and file applications may be granted by the Director upon written request by the applicant. The Director shall consider such applications on the basis of the length of extension requested and circumstances and conditions necessitating the extension.

9:1 Compliance with Other Provisions:

(A) The possession of a CERTIFICATE OF REGISTRATION does not relieve any person from the obligation to comply with all other provisions of the Ordinance, nor does it in any way void the applicant's obligation to obtain necessary permits from other governmental agencies.

9:2 Display of Certificate:

(A) Any person in possession of a CERTIFICATE OF REGISTRATION shall maintain said certificate readily available on the operating premises.

9:3 Exemptions:

The provisions of Section 9 shall not apply to:

(A) A solely residential dwelling of 7 families or less, whether ownership be of individual units or of the entire building, or

(B) Motor vehicles or mobile sources, or

(C) Direct heat exchanger unit where the products of fuel consumption are mixed and exhausted with the process emission steam. Such emissions shall be registered as air contamination sources in accordance with Section 10.

(D) Fuel burning units consuming other than commercial fuel as herein defined. Emission from such units shall be registered in accordance with Section 10.

(E) Fuel burning units in buildings owned and operated by either Local, County, State or Federal Government, or

(F) A building where the rated capacity of the fuel burning units is less than 500,000 BTU/hr gross heat input, or

(G) Fuel burning units used exclusively for emissions control. Primary and secondary burners in charge-fed incinerators shall be treated as control equipment on the permit application for Refuse/Salvage Incineration Units. Fume incinerators utilized for emissions control shall be considered control equipment, and registered in accordance with section 10.

(H) Condominiums and Co-Ops having fuel burning units less than 1,000,000 BTU, or

(I) Fuel burning units operated at any facility requiring an operating permit pursuant to Title V of the federal Clean Air Act amendments of 1990 and federal regulations 40 C.F.R. Part 70.

(J) In order to be granted an exemption, owners or operators of industrial/commercial facilities claiming exemption from the requirements of this section shall, upon request of the Director, certify the basis for said exemption by certified mail to the Director within ninety days of said request. Failure to comply with this requirement shall constitute a violation of Section 9:(A) of this ordinance.

9:4 Application:

(A) Applications for a CERTIFICATE OF REGISTRATION shall be made to the Commission on forms provided by the Commission.

9:5 Information To Be Supplied:

(A) The Commission may require such data and information regarding fuel burning units as it considers necessary to establish a comprehensive air contaminant inventory, conduct source impact analysis, conduct preliminary compliance screening, utilize air modeling procedures, and assist in planning processes and otherwise conduct an effective Air Pollution Control Program.

9:6 Fuel Burning Units:

An applicant for CERTIFICATE OF REGISTRATION for fuel burning units shall supply the following information:

(A) The location of the stack or chimney from which are discharged into the open air products of combustion from the burning of solid, liquid or gaseous fuel.

(B) The type of fuel burned.

(B) The heat content in the fuel burned.

(D) The quantity of fuel burned per hour and/or year.

(E) A description of the combustion equipment including rated capacity.

(F) The usual period of operation.

(G) The height and size of the outlet.

(H) A description of the air pollution control equipment.

(I) The name, address, and telephone number of the person responsible for the maintenance of the equipment.

(J) The name, address, and telephone number of the person responsible for the day-to day operation of the equipment.

(K) Certification as to maintenance, repair or inspection activity which would serve to ensure minimal levels of contaminants emitted.

(L) Such other information as the Commission may require.

9:7 Inspections:

(A) All fuel burning units may be inspected by the Director or his agent prior to the issuance of a certificate and shall be subject to inspection at any time by the Director or his agent during the term of the certificate.

9:8 Fees For Registration of Fuel Burning Units:

1. \$250.00 for five year certificate for each fuel burning unit from 500,000 to 999,999 BTU/HR gross heat input.

2. \$500.00 for five year certificate for each fuel burning unit from 1,000,000 or greater BTU/HR gross heat input.

3. The total of all fees assessed pursuant to this Code shall not exceed \$1,000 per year for any single facility.

9:9 Space Heaters, HVAC Units and Multiple Fuel Burning Units:

(A) Space heaters and/or HVAC Units of 500,000 BTU/HR or greater gross heat input shall be individually registered in their appropriate category.

(B) Space heaters and/or HVAC Units of less than 500,000 BTU/HR gross heat input shall be considered collectively at each site in order to determine rated capacity for purposes of registration, not to exceed one Category II registration for any given building.

(C) Industrial/Commercial facilities utilizing more than one fuel burning unit of less than 500,000 BTU/hr input for purposes of conducting a common enterprise shall be considered collectively at each site in order to determine rated capacity for purposes of registration not to

exceed one Category II registration for any given building.
9:10 Fees for certification for newly constructed fuel burners issued subsequent to the beginning of the registration cycle shall be calculated on the basis of remaining months in the cycle beginning with the first day of the month in which the fuel burner is placed in operation and extending through the registration cycle.

10: Registration of Air Contamination Sources:

10:1 (A) The owner of an air contamination source (process and exhaust and/or ventilation system) operating within the jurisdiction of this ordinance must obtain a CERTIFICATE OF REGISTRATION which is valid for a period of five years from the period January 1 of the first year of the cycle to December 31 five years thereafter unless sooner revoked or amended. The source owner must renew his CERTIFICATE OF REGISTRATION on or prior to the Certificate's expiration date. A new cycle will commence every fifth year subsequent to January 1, 1992 (1997, 2002, 2007) and each shall require a registration certificate renewal. Information on either new sources being placed into service or existing sources which have been altered shall be submitted to the Director within one month of their introduction into service or alteration.

(B) The owner of a storage vessel which emits air contaminants with atmospheric venting and with a capacity of 1000 gallons or more, containing an 'O' rated substance with vapor pressure of 0.02 pounds per square inch or more at storage conditions must obtain a CERTIFICATE OF REGISTRATION. Such certificate shall be of the duration specified in Section 10 of the Code and shall be subject to the renewal procedures outlined therein.

(C) The owner of a storage vessel which emits air contaminants with atmospheric venting and with a capacity of 100 gallons or more containing a 'A' rated substance must obtain a CERTIFICATE OF REGISTRATION. Such Certificate shall be of the duration specified in Section 10 of the Code and shall be subject to the renewal procedures outlined therein.

(D) Ambient Air Exhaust Outlets where such outlets exhaust emissions from a manufacturing process as herein defined shall be considered Air Contamination Sources and shall require a CERTIFICATE OF REGISTRATION.

10:2 Exemptions:

(A) Ventilation/exhaust systems serving retail food preparation procedures;

(B) Ventilation/exhaust systems serving analytical or research and development laboratories;

(C) Emission sources from fuel burning units involving indirect heat exchange utilizing commercial fuel as herein defined. Such fuel burning units shall be registered in accordance with Section 9 hereof;

(D) Incinerators, other than those specified and permitted in accordance with Section 7 hereof.

(E) Sources operating at any facility including all manufacturing sources owned and operated by said facility, which are required to obtain an operating permit issued pursuant to Title V of the federal Clean Air Act of 1990 and federal regulations 40 C.F.R. Part 70.

10:3 Fees:

(A) Registration of Sources of Air Contamination:

1) \$350.00 for a five year certificate of registration for all sources other than those rated as "A" sources;

2) \$500.00 for a five year certificate of registration for sources rated as "A" sources.

3) For purposes of fee calculations gasoline dispensing facilities shall be considered on the basis of maximum monthly throughput of product (gasoline) at each site:

Fee: Five Year Certificate Maximum Monthly Throughput

**\$ 250.00 Less than 10,000 gallons
375.00 10,000 to 40,000 gallons
500.00 40,000 gallons & greater**

(B) Fees for certificates of registration for newly constructed sources issued subsequent to the beginning of the registration cycle shall be calculated on the basis of remaining months in the cycle beginning with the first day of the month in which the source is placed in operation

and extending through the registration cycle.

(C) The source owner must obtain an amended CERTIFICATE OF REGISTRATION for the affected process when an alteration or relocation is completed.

(D) The total of all fees assessed pursuant to this Code shall not exceed \$1,000 per year for any single facility.

10:4 Information Requirements for Air Contamination Sources

(A) The Commission shall require such data and information regarding air contamination sources as it considers necessary to establish a comprehensive air contaminant inventory, conduct source impact analysis, conduct preliminary compliance screening, utilize air modeling procedures, emergency response preparation, assist in planning processes and otherwise conduct an effective Air Pollution Control Program.

(B) Information to be provided by the applicant for a source CERTIFICATE OF REGISTRATION shall include the following:

- (1) General site information pertaining to ownership, persons of authority, etc.**
- (2) Source rating**
- (3) Source type**
- (4) Description of process**
- (5) Identification and physical properties of substances used and emitted**
- (6) Emission rate**
- (7) Geographic and physical description of emission point**
- (8) Other information deemed necessary for purposes as defined herein.**

(C) Registration certificates may be transferred from one owner to another in the course of transferring

ownership of a property or enterprise, provided:

(1) An amended application is filed with the Commission setting forth all information relative to change in ownership;

(2) All conditions, emissions, locations and operating parameters indicated in the original application remain unchanged.

(D) Where either of the above conditions are not met a new registration certificate must be obtained in accordance with Section 10:3B.

(E) Applications and remittance for certificate of registration must be filed within 90 days of the commencement of each registration cycle. The cycle shall commence on January 1, 1997 and expire five years thereafter on December 31, 2001. Applications not completed and filed within 90 days shall be considered delinquent and shall subject the owner and operator of such equipment to joint and several liability for penalty actions as herein prescribed.

(F) Extensions of time required to complete and file applications may be granted by the Director upon written request by the applicant. The Director shall consider such applications on the basis of the length of extension requested and circumstances and conditions necessitating the extension.

(G) Owners of Industrial/Commercial facilities as herein defined claiming exempt status under provisions of Section 10:2 or for reasons of non-usage of regulated equipment shall complete and file an application as prescribed herein setting forth in detail the basis of their claim of exemption.

10:5 Source Ratings:

(A) Substances listed in this section meet one or more of the following criteria as referenced in NIOSH Publication, "Registry of Toxic Effects of Chemical Substances". Sources which emit one or more of these listed substances in quantities greater than 0.25 percent of total emissions are classified as 'A' rated sources for purposes of registration. Sources which do not emit at least one of these listed substances in quantities greater than 0.25 percent of total emissions shall be considered 'O' rated

sources.

1. Human Carcinogens

Those chemicals for which the induction of cancer in humans has been demonstrated.

2. Animal Carcinogens

Those chemicals that have proved positive in at least one animal species.

3. Mutagens

Those chemicals that induce mutagenic effects (transmissible changes) in "in-vivo" or "in-vitro" tests.

4. Teratogens

Those chemicals that cause non-transmissible birth defects.

5. Those chemicals having an acute toxicity of:

a) LD50 (oral) of less than 500 mg./kg.

b) LC50 (inhalation) of less than 2000 ppm.

c) LD50 (dermal) of less than 1000 mg./kg.

100 Halogenated Alkanes and Alkenes

102 Chloroform

103 1,2 Dichloroethane (ethylene dichloride)

106 1,3 Dichloropropylene

107 Hexachlorobutadiene

108 Hexachlorocyclopentadiene

110 Methylbromide

112 Methylene chloride

113 1,1,2,2 tetrachloroethane

114 tetrachloroethylene (perchloroethylene)

116 1,1,2 trichloroethane

117 trichloroethylene

118 Vinyl Bromide

200 Phenols

- 201 2-Chlorophenol**
- 202 2,4 Dichlorophenol**
- 203 2,4 Dimethylphenol**
- 204 4,6 Dinitro-o-cresol**
- 205 2,4 Dinitrophenol**
- 206 2-Nitrophenol**
- 207 4-Nitrophenol**
- 208 Pentachlorophenol**

300 Halogenated Aromatics

- 301 2-Chloronaphthalene**
- 303 1,2 Dichlorobenzene**
- 304 1,3 Dichlorobenzene**
- 305 1,4 Dichlorobenzene**
- 306 Hexachlorobenzene**
- 307 Polychlorinated triphenyls (PCTs)**

400 Phthalates

- 401 Bis (2-ethylhexyl)phthalate**
- 404 Diethyl-phthalate**
- 405 Di-n-octyl phthalate**
- 406 Dimethyl phthalate**

500 Ethers, Epoxides, Aldehydes and Anhydrides

- 501 Acrolein**
- 502 Bis (2-chloroethyl)ether**
- 503 Diepoxybutane**
- 504 Propylene oxide**

600 Imines, Nitriles and Hydrazines

- 601 Propyleneimine**

700 Nitroso Compounds

- 701 p-Nitrosodimethylaniline**
- 702 N-Nitrosodiphenylamine**
- 703 p-Nitrosodiphenylamine**

800 Amides and Amino Compounds

- 801 Acetamide**
- 802 2-Aminoanthraquinone**
- 803 p-Aminoazobenzene**
- 804 Benzamide**
- 805 2,4 Diaminotoluene**

900 Aromatic Hydrocarbons

- 901 Anthracene**
- 902 Biphenyl**

1000 Inorganics (include salts of these compounds)

1001 Calcium cyanamide

1002 Thallium compounds

1003 Zinc

1100 Nitro Compounds

1101 2,4 dinitrotoluene

1102 2,6 dinitrotoluene

1104 2-Nitropropane

1200 Misc.

1201 2-acetylaminofluorene

1202 Acrylamide (acrylic acid resin)

1203 Acrylonitrile (propene nitrile)

1204 Allyl chloride (3-chloroprene)

1205 p-aminodiphenyl (4-amino bi-phenyl)

1206 Aniline

1207 Antimony compounds

1208 Aromatic amines

1209 Asbestos

1210 Arsenic compounds

1211 Arsine

1213 Benzene (benzol)

1214 Benzo (a) pyrene

1215 Benzidine (p-diaminodiphenyl)

1216 Benzyl chloride

1217 Beryllium compounds

1218 Bis-(chloromethyl)ether (dichloromethyl ether)

1219 Boron trifluoride (boron fluoride)

1220 Bromine

1221 Cadmium compounds

1222 Carbon Disulfide (carbon bisulfide)

1223 Carbon tetrachloride (tetrachloromethane)

1224 Chlorinated diphenyl oxides

1225 Chlorine

1226 Chlorine dioxide

1227 Chloroacetophenone (phenacylchloride)

1228 Chloroprene (2-chloro-1,3-butadiene)

1229 Chromium compounds

1230 Coal tar pitch volatiles (benzene soluble, containing benzo(a)pyrene, PPAH, etc)

1231 Cobalt compounds

1232 Copper compounds

1233 Creosote, coal tar (creosote oil)

1235 Cyanides (hydrogen cyanide, cyanogen, nitriles)(RCN)

1236 2,2 or 3,3 dichlorobenzidine (4,4 diamino-3,3 dichlorobiphenyl)

1237 4-dimethylaminoazobenzene (butter or methyl yellow)

1238 N,N or dimethylcarbonyl chloride

1239 Dimethyl hydrazine (1,1 dimethylhydrazine)
1240 dimethyl sulfate (methyl sulfate)
1241 1-4 Dioxane (p-dioxane)
1242 Dioxin (2,3,7,8, tetrachlorodibenzodioxin)
1243 Epichlorhydrin (1-chlor-2,3-epoxypropane)
1244 Ethylene dibromide (1,2 dibromoethane)
1245 Ethylene dichloride (ethylene chloride)
1246 Ethyleneimine (ethylenimine, dimethylenimine)
1247 Fluorine gas
1248 Formaldehyde (methanal, methyl aldehyde)
1249 Hexamethyl phosphoramide
1250 Hydrazine (hydrazine base, diamine)
1251 Hydrocyanic acid (hydrogen cyanide)
1252 Hydrobromic acid (hydrogen bromide)
1253 Hydrofluoric acid (hydrogen fluoride)
1254 Hydrogen selenide
1255 Hydrogen sulfide (sulfureted hydrogen)
1257 Iodine compounds
1258 Lead compounds
1259 Maleic anhydride (toxic anhydride)
1260 Mercury compounds
1261 methyl chloromethyl ether (dimethyl chloroether)
1262 4,4 methylene-bis (2-chloroaniline)
(3,3 dichloro-4,4, diaminodiphenyl methane)
1263 p-p or 4,4 methylene dianiline
1264 Methyl isocyanate (isocyanic acid, methylester)
1265 Monomethyl hydrazine (hydrazine methyl)
1266 a (alpha) or B (beta)-Naphthylamine (1 or 2
naphthylamine
1267 Nickel compounds
1268 Nickel carbonyl
1269 m,o or p, Nitroaniline (m,o-nitraniline, 1 amino
4-nitrobenzene
1270 Nitrobenzene (oil of mirbane, nitrobenzol)
1271 4-Nitrobiphenyl (p-Nitrobiphenyl)
1272 Nitrosamines
1273 N-nitrosodimethylamine (di-methyl-nitrosamine)
1275 Oxygen difluoride (fluorine monoxide)
1278 Pentaborane (pentaboron nonanhydride)
1279 Phenol (carbonic acid, phenic acid)
1280 Phosgene (carbonyl chloride)
1281 Phosphine (hydrogen phosphide)
1282 Phosphorous (white or yellow)
1283 Phosphorous (sulfur and halogen compounds)
(phosphorus
sulfo fluoride, tribromide, trichloride, trifluoride)
1284 Polybrominated biphenyls (PBB)
1285 Polychlorinated biphenyls (PCB)(chlorinated diphenyls)
1286 Propanesultone (1,2 oxathiolane 2,2 dioxide)

- 1287 B(beta) propiolactone (2-oxetanone)
- 1288 Quinone (benzoquinone)
- 1290 Silver and soluble compounds
- 1291 Talc (fibrous)
- 1292 Toluene, 2-4 diisocyanate (TDI, 2,4 toluene diisocyanate)
- 1293 Toluene, 2,4 diamine (2,4 toluenediamine, toluene diamine)

- 1294 Uranium compounds
- 1295 Vinyl chloride (chloroethylene chloroethene)
- 1296 Vinyl cyclohexene dioxide
- 1297 Vinylidene chloride 1,1 (dichloroethylene)
- 1298 All pesticides, herbicides and fungicides
- 1299 All radioactive contaminants

**(B) "O" Rated sources shall include:
All other contamination sources (non A). For purposes of registration these sources will be classified as Criteria Pollutants (non-A) as designated by E.P.A., non-A Hydrocarbon, or Other, including emissions resulting from the storage, processing or usage of gasoline.**

10:6 Stack Testing

(A) It shall be the responsibility of the source owner to clearly indicate the specific nature and rate of emissions from each source and to be prepared to demonstrate by methods acceptable to the Director, the accuracy and validity of all data and information presented.

(B) As a prerequisite to the issuance or renewal of a CERTIFICATE OF REGISTRATION for an existing installation, the source owner or his authorized agent may be required to submit an acceptable stack test report in order to validate emissions data.

10:7 Compliance With Other Provisions:

(A) The possession of a CERTIFICATE OF REGISTRATION does not relieve any person(s) from the obligation to comply with all other provisions of this Ordinance, nor does it in any way void the applicant's obligation to obtain necessary permits from other governmental agencies.

10:8 Display of Certificate:

(A) Any person in possession of CERTIFICATE OF

REGISTRATION shall maintain said certificate readily available on the operating premises.

10:9 Provisions for Rescission:

(A) A CERTIFICATE OF REGISTRATION to operate an air contamination source and/or fuel burning unit may be denied or rescinded under the following conditions;

(a) The owner has failed to provide information as required;

(b) A source is found to be operating in contravention to what has been stated or set forth on application form;

(c) A process is altered or relocated without due notification and revision to the application for registration.

(B) A CERTIFICATE OF REGISTRATION shall be rescinded or denied only at such time that the owner or operator shall have been duly notified of determinations made by the Commission upon which have been based such decisions to rescind or deny said certificate(s) and shall have been made fully aware of the basis of said determinations and shall have had an ample period of time and opportunity to appeal such decisions.

10:10 Appeal:

(A) Upon notification of rescission or denial an owner or operator shall have fifteen days within which to file a request for a hearing. Such request shall be filed with the Director and shall clearly specify the basis upon which the hearing is sought.

(B) Requests will be considered by the Director and the Health Officer in whose jurisdiction the order of rescission or denial is effective. The aggrieved party will be notified of the disposition of the request within thirty days of submittal.

(C) Where the request is denied, the aggrieved party shall be afforded no further administrative recourse.

(D) Where the request is approved, the aggrieved party shall be heard by the Director and jurisdictional Health Officer, and shall be notified of determination made

within thirty days of the hearing.

11: Petroleum Solvent Dry Cleaning Operation:

11:1 No person shall cause, suffer, allow or permit volatile organic substance emissions to the outdoor atmosphere from the petroleum solvent dry cleaning dryer unless such dryer is:

(a) equipped with a vapor control system which prevents volatile organic substance emissions from exceeding 7.7 pounds (3.5 kilograms) per 220 pounds (100 kilograms) dry weight of articles dry cleaned; or

(b) a solvent recovery dryer operated in a manner such that the dryer remains closed and the recovery phase continues until a final recovered solvent flow rate of 0.013 gallons (50 milliliters) per minute is attained.

11.2 No person shall cause, suffer, allow or permit volatile organic substance emissions to the atmosphere from a petroleum solvent filtration system unless:

(a) the volatile organic substance content in all filtration wastes is reduced to no more than 2.2 pounds (1.0 kilograms) per 220 pounds (100 kilograms) dry weight of articles dry cleaned, before disposal, and exposure to the atmosphere; or

(b) the system is a cartridge filtration system operated such that the filter cartridges are drained in their sealed housings for eight hours or longer before their removal.

11:3 No owner or operator of a petroleum solvent dry cleaning facility shall cause, suffer, allow or permit volatile organic substances to be emitted into the outdoor atmosphere from:

(a) visibly leaking equipment including, but not limited to, washers, dryers, solvent filters, settling tanks, and vacuum stills; and

(b) containers of volatile organic substances or volatile organic substance-laden waste standing open to the atmosphere.

11:4 The provisions of Section 12:1 shall not apply to

petroleum solvent dry cleaning facilities that consume less than 15,000 gallons (56,775 liters) of petroleum solvent annually.

12: Control and Prohibition of Air Pollution by Toxic Substances:

12:1 No person shall cause, suffer, allow or permit any toxic volatile organic substance to be emitted from any storage tank, or transfer operation into the outdoor atmosphere unless such equipment and operation is registered with and/or permitted by the Department of Environmental Protection.

12:2 No person shall use or cause to be used any equipment or control apparatus from which toxic volatile organic substances are emitted into the outdoor atmosphere unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use in accordance with any relevant "Permit to Construct, Install or Alter Control Apparatus or Equipment" and any relevant "Certificate to Operate Control Apparatus or Equipment" issued by the Department of Environmental Protection.

12:3 Operations and equipment covered by Section 13 shall include, but not be limited to, storage tanks, transfer operations, open top tanks, surface cleaning, surface coating, organic chemical manufacturing, pharmaceutical manufacturing, petroleum refining, and miscellaneous organic solvent uses in which one or more toxic volatile organic substances are stored, used or manufactured.

12:4 Whenever persons, equipment, control apparatus or toxic volatile organic substances subject to the provisions of Section 13 are also subject to the provisions of any other section of this ordinance or subchapters of N.J.A.C. 7:27, the requirements of the relevant provisions of this section and all sections of this ordinance and subchapters of N.J.A.C. 7:27 will apply.

12:5 Whenever a toxic volatile organic substance subject to the provisions of Section 13 is subject to the provisions of any other section of this ordinance, the relevant provisions of the section requiring the lowest allowable emission rate will apply.

12:6 The provisions for the control of and prohibition of air pollution by toxic volatile organic substances shall not

apply to the benzene constituent of gasoline which is discharged to the atmosphere from storage tanks or transfer operations.

12:7 The provision for the control of and prohibition of air pollution by toxic volatile organic substances shall not apply to any toxic volatile organic substance which:

(a) was not added to or deliberately formed in a raw material or a finished product; and

(b) does not exceed 0.25 percent by weight of any raw material or finished product; and

(c) is not emitted from any source operation, storage tank, or transfer operation at a rate in excess of 0.1 pounds (45.4 grams) per hour.

13: Inspections and Right of Entry:

13:1 All buildings and premises subject to this Code are subject to inspection from time to time by the Director or his duly authorized representatives. All rooms and areas in the building shall be available and accessible for such inspection which shall be made during usual business hours if the premises are used for non-residential purposes, provided however, that inspection may be made at other times if (a) the premises are not available during the foregoing hours for inspections; (b) there is reason to believe that violations are occurring on the premises which can be determined and proved by inspection only during other than prescribed hours; or (c) there is reason to believe a violation exists of a character which is an immediate threat to life, health or safety requiring inspection and abatement without delay where the time taken to apply for and secure the issuance of a warrant would render ineffective the immediate action necessary to abate the condition.

13.2 Emergency inspections may also be authorized by the Governor in times of air pollution emergencies in accordance with N.J.S.A. 26:2C-32.

13.3 Where the Director or his agent is refused entry or access, or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, such person shall be in violation of this Code and subject to the penalties hereunder.

13.4 Search Warrant or Access Warrant:

The Director may, upon affidavit, apply to the Judge of the municipality where the facility, equipment or process is located for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a violation of the Code may exist on the premises, including one or more of the following:

(A) That the premises require inspection according to the cycle established by the town for periodic inspections of premises of the type involved;

(B) That observation of external conditions (smoke, ash, soot, odors) of the premises and its public areas has resulted in the belief that violations of this Code exist;

(C) Circumstances such as age and design of fuel burning equipment and/or system, type of incinerator, particular use of premises or other factors which render systematic inspection of such buildings necessary in the interest of public health and safety.

If the Judge of the municipality is satisfied as to the matter set forth in the said affidavit, he or she shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation may exist.

14: Penalties:

14:1 Any person who shall violate any of the provisions of this Code or who shall fail to comply therewith or with any of the requirements hereof, shall be punishable by a fine not to exceed \$2,500.00 or imprisonment for a term not to exceed 90 days, or both, for each violation. Each day such violation shall continue shall constitute a separate offense.

14:2 The violation of any section or subsection of this Code shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Code.

14.3 Where a fuel burning unit, incinerator or emissions

source is leased to or serves more than one tenant or enterprise liability for registration or permit shall attach solely to the property owner.

14:4 Violation of Section 8.1 Idling of Vehicles Not In Motion, shall be punishable by a fine of \$100.00 per violation.

14:5 Late Charges: Applications and remittances for Certificates of Registration for fuel burning or sources of air contamination or applications for permits for incinerators filed after the dates specified herein may subject the owners and/or operators of such equipment to joint and several liability for the following charges:

Period of Delinquency:

**up to two months \$ 250.00
from two to six months 500.00
over six months 2000.00**

14:6 Late charges shall be assessed by the Director after affording the delinquent party an opportunity for an administrative hearing. The Director may reduce or waive all or any part of said charges based upon determinations and findings made during the conduct of the hearing process.

14.7 In the event that a responsible party fails to pay any fine, penalty, late charge or other fee due and owing for the violation of any provision of this Code, the Director may, in addition to any other remedy or action provided herein or otherwise available pursuant to Law, seek and obtain a civil monetary judgment and lien against the person and property of such responsible party.

15: Construction and Separability:

15:1 This Code is to be liberally construed to effectuate the purpose herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth herein. However, where framed broadly, this code is intended to be so construed for the purpose ensuring the most stringent scope and application possible consistent with the requirements and restrictions set forth in N.J.S.A. 26:2C-22 amended.

15:2 If any section, subsection, paragraph, sentence, clause,

phase, or portion of this Ordinance shall be adjudged or declared invalid for any reason whatsoever, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof which shall remain in full force and effect.

15:3 This Ordinance is promulgated and adopted in accordance with Section 26:2C-8 of P.L. 1954, c.212 (Title 26:2C-1 to 2C-23) amended by P.L. 1962, c. 215; P.L. 1967, c.105; P.L. 1967, c.106; and P.L. 1995, c.188 and nothing contained herein or any action taken hereunder is to be interpreted as being in conflict with the New Jersey Air Pollution Control Act and the New Jersey Administrative Code except as to issues of more stringent scope and application as provided for therein.

15:4 Any source or facility required to obtain an operating permit issued pursuant to Title V of the federal Clean Air Act of 1990 and federal regulations 40 C.F.R. Part 70 or operating permit pursuant to N.J.A.C. 7:27-22 shall be exempt from the registration and fee provisions of the Ordinance.

16: ENFORCEMENT AUTHORITY:

(A) The Air Pollution Control Code of the Essex Regional Health Commission shall be enforced by the Director of the Essex Regional Health Commission and authorized agents thereof. All health officers of municipalities comprising said Commission are hereby designated assistant officers for purposes of the enforcement of this code.

REPEALER:

(B) All Ordinances or Parts of Ordinances Inconsistent With The Provisions of This Ordinance Are Hereby Repealed.

EFFECTIVE DATE: This Ordinance Shall Take Effect Immediately Upon Final Passage And Publication In Accordance With Law.

As Referenced See Page 6 (Municipalities)

MUNICIPALITIES

BELLVILLE MONTCLAIR

**CEDAR GROVE NEWARK
EAST ORANGE NUTLEY
IRVINGTON ORANGE
LIVINGSTON SOUTH ORANGE
MAPLEWOOD WEST CALDWELL
MILLBURN WEST ORANGE**

I, Robert Ferraiuolo, Director of the Essex Regional Health Commission in the County of Essex, New Jersey, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance introduced and approved on first reading by the Board of Commissioners of the Essex Regional Health Commission, Essex County, New Jersey, at a meeting held on September 20,1996. IN WITNESS WHEREOF, I, the said Director have hereunto set my hand, this September 20, 1996.

**Robert Ferraiuolo,
Director**

Click below to return to our home page
<http://members.aol.com/essexrhc/ERHChomepage.htm>