



NJDEP Adopts Correction to Air Minor Source Grace Period Determination

Who is affected by this correction?

Gasoline dispensing facilities that are required to perform vapor recovery testing.

What changed?

The New Jersey Administrative Code, N.J.A.C. 7:27-16.3(i)1, requires Static Pressure Performance, Pressure/Vacuum Valve, Dynamic Backpressure, and Air/liquid volume ratio testing at gasoline dispensing facilities.

A violation of N.J.A.C. 7:27-16.3(i)1 would be a failure to demonstrate, through testing, that the facility's vapor control system is performing properly. If the vapor control system is not working properly, emissions would not be detected. Failure to detect emissions undermines and impairs the goals of the Department's Air Quality Program, therefore, making such a violation ineligible for designation as a Minor violation under the Grace Period Law, N.J.S.A. 13:1D-129.b(3).

This advisory provides notice that the Department has recently amended the Air Administrative Procedures and Penalties Code, N.J.A.C. 7:27A-3.10(m)16, to correct the designation of the type of violation from "Minor" to "Non-Minor."

What should I do?

- Carefully adhere to your required tests and testing schedule in accordance to the conditions of your Air Permit and/or the requirements of N.J.A.C. 7:27-16.3.
- Consider putting your station or facility on an automatic vapor recovery testing schedule.
- Have your test results ready for inspection at the facility.

COMPLIANCE ADVISORY

Who should I contact with questions?

During Business Hours:

New Jersey Department of Environmental Protection
Hazardous Waste and Underground Storage Tank Enforcement
PO Box 420
Mail Code 401-04B
Trenton, NJ 08625-0420
609-943-3019

Northern Region - Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties:

Contact John Olko, Supervisor at 609-851-7989 or email at john.olko@dep.state.nj.us

Southern Region - Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties: Contact Len Lipman, Supervisor at 609-221-3996 or email at Leonard.Lipman@dep.state.nj.us

During Non-Business Hours: 1-877-WARNDEP (1-877-927-6337)

Where else can I get information?

- NJDEP Air Quality Management: <http://www.state.nj.us/dep/aqm/>
- NJDEP C&E - UST: <http://www.nj.gov/dep/enforcement/ust.html>
- NJDEP Small Business Assistance: <http://www.nj.gov/dep/sage/sbap/>
- General NJDEP contact information: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

For more information about our Compliance Advisory Program or to comment on this advisory:

NJDEP Compliance Advisories are an electronic notification service of the NJDEP Compliance & Enforcement Program. They provide information to subscribers notifying them of upcoming important developments involving NJDEP's Compliance & Enforcement Program and their customers including changes in regulations, training opportunities, compliance assistance information and more. We generally issue 15-20 compliance advisories annually.

- Compliance Advisory Homepage: <http://www.nj.gov/dep/enforcement/advisories.html>
- Advisory Comments may be directed to: <http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above.