

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 55

[EPA–R02–OAR–2017–0723; FRL–9977–64—Region 2]

### Outer Continental Shelf Air Regulations Update To Include New Jersey State Requirements

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is finalizing the update of the Outer Continental Shelf (OCS) Air Regulations proposed in the **Federal Register** on February 13, 2018. Requirements applying to OCS sources located within 25 miles of states' seaward boundaries must be updated periodically to remain consistent with the requirements for the corresponding onshore area (COA), which is typically the state geographically closest to the OCS source. The portion of the OCS air regulations that is being updated pertains to the requirements for OCS sources for which the State of New Jersey is the COA. The intended effect of approving the updated OCS requirements for the State of New Jersey is to regulate emissions from OCS sources in accordance with the requirements onshore. The requirements discussed below are incorporated by reference into the Code of Federal Regulations and are listed in the appendix to the OCS air regulations.

**DATES:** *Effective Date:* This rule is effective on July 27, 2018.

The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of July 27, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA–R02–OAR–2017–0723. The index to the docket is available electronically at <http://www.regulations.gov> and in hard copy at EPA Region 2, 290 Broadway, New York, New York 10007.

**FOR FURTHER INFORMATION CONTACT:** Viorica Petriman, Air Programs Branch, Permitting Section, U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, New York 10007, (212) 637–4021, [petriman.viorica@epa.gov](mailto:petriman.viorica@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the terms “we,” “us,” and “our” refer to the EPA.

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##### I. Proposed Action

On February 13, 2018 (83 FR 6136), EPA proposed to incorporate requirements into the OCS Air Regulations at 40 CFR part 55<sup>1</sup> pertaining to the State of New Jersey. Section 328(a) of the CAA requires that for such sources located within 25 miles of a State's seaward boundary, the requirements shall be the same as would be applicable if the sources were located in the corresponding onshore area (COA). Because the OCS requirements are based on onshore requirements, and onshore requirements may change, section 328(a)(1) requires that the EPA update the OCS requirements as necessary to maintain consistency with onshore requirements.

To comply with the statutory mandate of Section 328(a)(1) of the CAA, the EPA must incorporate by reference all relevant state rules into part 55 so they can be applied to OCS sources located offshore. 40 CFR 55.12 specifies certain times at which part 55's incorporation by reference of a state's rules must be updated. One such time a consistency update must occur is when any OCS source applicant submits a Notice of Intent (NOI) under 40 CFR 55.4 for a new or a modified OCS source. 40 CFR 55.4(a) requires that any OCS source applicant must submit to EPA a NOI before performing any physical change or change in method of operation that results in an increase in emissions. EPA must conduct any necessary consistency update when it receives an NOI, and prior to receiving any application for a preconstruction permit from the OCS source applicant. 40 CFR 55.6(b)(2) and 55.12(f).

On December 21, 2017, the EPA received a NOI for a new OCS source off the coast of New Jersey. In today's action, the EPA is updating the “New Jersey” section of Appendix A to 40 CFR part 55 to incorporate by reference the relevant New Jersey air pollution control rules that are currently in effect.

EPA has evaluated the proposed regulations to ensure that they are rationally related to the attainment or maintenance of Federal or state ambient air quality standards (AAQS) or part C of title I of the Act, that they are not designed expressly to prevent

exploration and development of the OCS, and that they are applicable to OCS sources. 40 CFR 55.1. The EPA has also evaluated the rules to ensure they are not arbitrary and capricious. 40 CFR 55.12(e). The EPA has excluded New Jersey's administrative or procedural rules,<sup>2</sup> and requirements that regulate toxics which are not related to the attainment and maintenance of Federal and State AAQS.

To comply with the statutory mandate of Section 328(a) of the CAA, the EPA must incorporate by reference applicable rules in effect for onshore sources into part 55. This limits EPA's flexibility in deciding which requirements will be incorporated into 40 CFR part 55 and prevents EPA from making substantive changes to the requirements it incorporates. As a result, EPA may be incorporating rules into 40 CFR part 55 that do not conform to all of EPA's state implementation plan (SIP) guidance or certain requirements of the CAA. Inclusion in the OCS rule does not imply that a rule meets the requirements of the CAA for SIP approval, nor does it imply that the rule will be approved by EPA for inclusion in the SIP.

##### II. Public Comments and EPA Responses

EPA's proposed action provided a 30-day public comment period, which closed on March 15, 2018. During this period, we received 12 public comments. None of the comments are relevant to today's action, which simply incorporates by reference current New Jersey air pollution control rules into the OCS regulations applicable to all OCS sources and makes no findings regarding any specific OCS source. Thus, no EPA response to public comments is warranted.

##### III. EPA Action

In this document, EPA is taking final action to incorporate the proposed changes into 40 CFR part 55. EPA is approving this action under section 328(a)(1) of the Act, 42 U.S.C. 7627. Section 328(a) of the Act requires that EPA establish requirements to control air pollution from OCS sources located within 25 miles of States' seaward boundaries that are the same as onshore

<sup>2</sup> Each COA, which has been delegated the authority to implement and enforce part 55, will use its administrative and procedural rules as onshore. However, in those instances where EPA has not delegated authority to implement and enforce part 55, as in New Jersey, EPA will use its own administrative and procedural requirements to implement the substantive requirements. See 40 CFR 55.14(c)(4).

<sup>1</sup> The reader may refer to the Proposed Rulemaking, December 5, 1991 (56 FR 63774), and the preamble to the final rule promulgated September 4, 1992 (57 FR 40792) for further background and information on the OCS regulations.

requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into 40 CFR part 55 as they exist onshore.

#### IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the NJDEP air rules that are applicable to OCS sources and which are described in the amendments to 40 CFR part 55 set forth below. The EPA has made, and will continue to make, these documents available through [www.regulations.gov](http://www.regulations.gov) and at the EPA Region 2 Office. Please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information.

#### V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to establish requirements to control air pollution from OCS sources located within 25 miles of states' seaward boundaries that are the same as onshore air control requirements. To comply with this statutory mandate, the EPA must incorporate applicable onshore rules into part 55 as they exist onshore. 42 U.S.C. 7627(a)(1); 40 CFR 55.12. Thus, in promulgating OCS consistency updates, the EPA's role is to maintain consistency between OCS regulations and the regulations of onshore areas, provided that they meet the criteria of the Clean Air Act. Accordingly, this action simply updates the existing OCS requirements to make them consistent with requirements onshore, without the exercise of any policy discretion by the EPA. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993); and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandate Reform Act of 1995 (Pub. L. 104-4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this final rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, nor does it impose substantial direct costs on tribal governments, nor preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed,

and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 55

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 19, 2018.

**Peter D. Lopez,**

*Regional Administrator, Region 2.*

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations, part 55, is amended as follows:

#### PART 55—[AMENDED]

- 1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Clean Air Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101-549.

- 2. Section 55.14 is amended by revising the sixth sentence in paragraph (e) introductory text and paragraph (e)(15)(i)(A) to read as follows:

#### **§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.**

\* \* \* \* \*

(e) \* \* \* Copies of rules pertaining to particular states or local areas may be inspected or obtained from the EPA Docket Center—Public Reading Room, EPA West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004 or the appropriate EPA regional offices: U.S. EPA, Region 1 (Massachusetts), One Congress Street, Boston, MA 02114-2023; U.S. EPA, Region 2 (New Jersey and New York), 290 Broadway, New York, NY 10007-1866; U.S. EPA, Region 3 (Delaware), 1650 Arch Street, Philadelphia, PA 19103, (215) 814-5000; U.S. EPA, Region 4 (Florida and North Carolina), 61 Forsyth Street, Atlanta, GA 30303; U.S. EPA, Region 9 (California), 75 Hawthorne Street, San Francisco, CA 94105; and U.S. EPA, Region 10 (Alaska), 1200 Sixth Avenue, Seattle, WA 98101. \* \* \*

\* \* \* \* \*

(15) \* \* \*

(i) \* \* \*

(A) State of New Jersey Requirements Applicable to OCS Sources, January 16, 2018.

\* \* \* \* \*

■ 3. Appendix A to part 55 is amended by revising paragraph (a)(1) under the heading “New Jersey” to read as follows:

**Appendix A to Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State**

\* \* \* \* \*

**NEW JERSEY**

(a) \* \* \*

(1) The following State of New Jersey requirements are applicable to OCS Sources, as of January 16, 2018. New Jersey State Department of Environmental Protection—New Jersey Administrative Code. The following sections of Title 7:

**Chapter 27 Subchapter 2—Control and Prohibition of Open Burning (Effective 6/20/1994)**

N.J.A.C. 7:27–2.1. Definitions  
N.J.A.C. 7:27–2.2. Open burning for salvage operations  
N.J.A.C. 7:27–2.3. Open burning of refuse  
N.J.A.C. 7:27–2.4. General provisions  
N.J.A.C. 7:27–2.6. Prescribed burning  
N.J.A.C. 7:27–2.7. Emergencies  
N.J.A.C. 7:27–2.8. Dangerous material  
N.J.A.C. 7:27–2.12. Special permit  
N.J.A.C. 7:27–2.13. Fees

**Chapter 27 Subchapter 3—Control and Prohibition of Smoke From Combustion of Fuel (Effective 2/4/2002)**

N.J.A.C. 7:27–3.1. Definitions  
N.J.A.C. 7:27–3.2. Smoke emissions from stationary indirect heat exchangers  
N.J.A.C. 7:27–3.3. Smoke emissions from marine installations  
N.J.A.C. 7:27–3.4. Smoke emissions from the combustion of fuel in mobile sources  
N.J.A.C. 7:27–3.5. Smoke emissions from stationary internal combustion engines and stationary turbine engines  
N.J.A.C. 7:27–3.6. Stack test  
N.J.A.C. 7:27–3.7. Exceptions

**Chapter 27 Subchapter 4—Control and Prohibition of Particles From Combustion of Fuel (Effective 4/20/2009)**

N.J.A.C. 7:27–4.1. Definitions  
N.J.A.C. 7:27–4.2. Standards for the emission of particles  
N.J.A.C. 7:27–4.3. Performance test principle  
N.J.A.C. 7:27–4.4. Emissions tests  
N.J.A.C. 7:27–4.6. Exceptions

**Chapter 27 Subchapter 5—Prohibition of Air Pollution (Effective 10/12/1977)**

N.J.A.C. 7:27–5.1. Definitions  
N.J.A.C. 7:27–5.2. General provisions

**Chapter 27 Subchapter 6—Control and Prohibition of Particles From Manufacturing Processes (Effective 6/12/1998)**

N.J.A.C. 7:27–6.1. Definitions  
N.J.A.C. 7:27–6.2. Standards for the emission of particles  
N.J.A.C. 7:27–6.3. Performance test principles

N.J.A.C. 7:27–6.4. Emissions tests  
N.J.A.C. 7:27–6.5. Variances  
N.J.A.C. 7:27–6.7. Exceptions

**Chapter 27 Subchapter 7—Sulfur (Effective 11/6/2017)**

N.J.A.C. 7:27–7.1. Definitions  
N.J.A.C. 7:27–7.2. Control and prohibition of air pollution from sulfur compounds

**Chapter 27 Subchapter 8—Permits and Certificates for Minor Facilities (and Major Facilities Without an Operating Permit) (Effective 1/16/2018)**

N.J.A.C. 7:27–8.1. Definitions  
N.J.A.C. 7:27–8.2. Applicability  
N.J.A.C. 7:27–8.3. General provisions  
N.J.A.C. 7:27–8.4. How to apply, register, submit a notice, or renew  
N.J.A.C. 7:27–8.5. Air quality impact analysis  
N.J.A.C. 7:27–8.6. Service fees  
N.J.A.C. 7:27–8.7. Operating certificates  
N.J.A.C. 7:27–8.8. General permits  
N.J.A.C. 7:27–8.9. Environmental improvement pilot tests  
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N.J.A.C. 7:27–8.12. State of the art  
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N.J.A.C. 7:27–8.18. Permit revisions  
N.J.A.C. 7:27–8.19. Compliance plan changes  
N.J.A.C. 7:27–8.20. Seven-day notice changes  
N.J.A.C. 7:27–8.21. Amendments  
N.J.A.C. 7:27–8.23. Reconstruction  
N.J.A.C. 7:27–8.24. Special provisions for construction but not operation  
N.J.A.C. 7:27–8.25. Special provisions for pollution control equipment or pollution prevention process modifications  
N.J.A.C. 7:27–8.27. Special facility-wide permit provisions  
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**Chapter 27 Subchapter 9—Sulfur in Fuels (Effective 9/20/2010)**

N.J.A.C. 7:27–9.1. Definitions  
N.J.A.C. 7:27–9.2. Sulfur content standards  
N.J.A.C. 7:27–9.3. Exemptions  
N.J.A.C. 7:27–9.4. Waiver of air quality modeling

**Chapter 27 Subchapter 10—Sulfur in Solid Fuels (Effective 9/6/2011)**

N.J.A.C. 7:27–10.1. Definitions  
N.J.A.C. 7:27–10.2. Sulfur contents standards  
N.J.A.C. 7:27–10.3. Expansion, reconstruction or construction of solid fuel burning units  
N.J.A.C. 7:27–10.4. Exemptions  
N.J.A.C. 7:27–10.5. SO<sub>2</sub> emission rate determinations

**Chapter 27 Subchapter 11—Incinerators (Effective 5/4/1998)**

N.J.A.C. 7:27–11.1. Definitions  
N.J.A.C. 7:27–11.2. Construction standards  
N.J.A.C. 7:27–11.3. Emission standards  
N.J.A.C. 7:27–11.4. Permit to construct; certificate to operate  
N.J.A.C. 7:27–11.5. Operation  
N.J.A.C. 7:27–11.6. Exceptions

**Chapter 27 Subchapter 12—Prevention and Control of Air Pollution Emergencies (Effective 5/20/1974)**

N.J.A.C. 7:27–12.1. Definitions  
N.J.A.C. 7:27–12.2. Emergency criteria  
N.J.A.C. 7:27–12.3. Criteria for emergency termination  
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**Chapter 27 Subchapter 16—Control and Prohibition of Air Pollution by Volatile Organic Compounds (Effective 1/16/2018)**

N.J.A.C. 7:27–16.1. Definitions  
N.J.A.C. 7:27–16.1A. Purpose, scope, applicability, and severability  
N.J.A.C. 7:27–16.2. VOC stationary storage tanks  
N.J.A.C. 7:27–16.3. Gasoline transfer operations  
N.J.A.C. 7:27–16.4. VOC transfer operations, other than gasoline  
N.J.A.C. 7:27–16.5. Marine tank vessel loading and ballasting operations  
N.J.A.C. 7:27–16.6. Open top tanks and solvent cleaning operations  
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N.J.A.C. 7:27–16.12. Surface coating operations at mobile equipment repair and refinishing facilities  
N.J.A.C. 7:27–16.13. Flares  
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N.J.A.C. 7:27–16.17. Alternative and facility-specific VOC control requirements  
N.J.A.C. 7:27–16.18. Leak detection and repair  
N.J.A.C. 7:27–16.19. Application of cutback and emulsified asphalts  
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**Chapter 27 Subchapter 18—Control and Prohibition of Air Pollution From New or Altered Sources Affecting Ambient Air Quality (Emission Offset Rules) (Effective 11/6/2017)**

N.J.A.C. 7:27–18.1. Definitions  
N.J.A.C. 7:27–18.2. Facilities subject to this subchapter  
N.J.A.C. 7:27–18.3. Standards for issuance of permits  
N.J.A.C. 7:27–18.4. Air quality impact analysis  
N.J.A.C. 7:27–18.5. Standards for use of emission reductions as emission offsets  
N.J.A.C. 7:27–18.6. Emission offset postponement  
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N.J.A.C. 7:27–18.8. Banking of emission reductions

N.J.A.C. 7:27–18.9. Secondary emissions  
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N.J.A.C. 7:27–18.12. Civil or criminal penalties for failure to comply

**Chapter 27 Subchapter 19—Control and Prohibition of Air Pollution From Oxides of Nitrogen (Effective 1/16/2018)**

N.J.A.C. 7:27–19.1. Definitions  
N.J.A.C. 7:27–19.2. Purpose, scope and applicability  
N.J.A.C. 7:27–19.3. General provisions  
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N.J.A.C. 7:27–19.6. Emissions averaging  
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**Chapter 27 Subchapter 20—Used Oil Combustion (Effective 9/6/2011)**

N.J.A.C. 7:27–20.1. Definitions  
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**Chapter 27 Subchapter 21—Emission Statements (Effective 1/16/2018)**

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**Chapter 27B Subchapter 1—Sampling and Analytical Procedures for Determining Emissions of Particles From Manufacturing Processes and From Combustion of Fuels (Effective 6/21/1976)**

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N.J.A.C. 7:27B–1.2. Acceptable test methods  
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N.J.A.C. 7:27B–1.5. Sampling train  
N.J.A.C. 7:27B–1.6. Performance test principle  
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N.J.A.C. 7:27B–1.12. Analysis  
N.J.A.C. 7:27B–1.13. Calculations  
N.J.A.C. 7:27B–1.14. Validation of test

**Chapter 27B Subchapter 2—Procedures for Visual Determination of the Opacity (Percent) and Shade or Appearance (Ringelmann Number) of Emissions From Sources (Effective 6/21/1976)**

N.J.A.C. 7:27B–2.1. Definitions  
N.J.A.C. 7:27B–2.2. Acceptable observation methods  
N.J.A.C. 7:27B–2.3. Observation principle  
N.J.A.C. 7:27B–2.4. General observation requirements  
N.J.A.C. 7:27B–2.5. Required observation data  
N.J.A.C. 7:27B–2.6. Certification  
References  
Appendix

**Chapter 27B Subchapter 3—Air Test Method 3: Sampling and Analytical Procedures for the Determination of Volatile Organic Compounds From Source Operations (Effective 12/1/2008)**

N.J.A.C. 7:27B–3.1. Definitions  
N.J.A.C. 7:27B–3.2. Sampling and analytical protocol: Acceptable test methods  
N.J.A.C. 7:27B–3.3. Operating conditions during the test  
N.J.A.C. 7:27B–3.4. Sampling facilities  
N.J.A.C. 7:27B–3.5. Source operations and applicable test methods  
N.J.A.C. 7:27B–3.6. Procedures for the determinations of vapor pressures of a single known VOC or mixtures of known and/or unknown VOC  
N.J.A.C. 7:27B–3.7. Procedures for the direct measurement of volatile organic compounds using a flame ionization detector (FID), a photoionization detector (PID) or a non-dispersive infrared analyzer (NDIR)  
N.J.A.C. 7:27B–3.8. Procedures for the direct measurement of volatile organic compounds using a gas chromatograph (GC) with a flame ionization detector (FID) or other suitable detector  
N.J.A.C. 7:27B–3.9. Procedures for the sampling and remote analysis of known volatile organic compounds using a gas chromatograph (GC) with a flame ionization detector (FID) or other suitable detector

- N.J.A.C. 7:27B-3.10. Procedures for the determination of volatile organic compounds in surface coating formulations
- N.J.A.C. 7:27B-3.11. Procedures for the determination of volatile organic compounds emitted from transfer operations using a flame ionization detector (FID) or non-dispersive infrared analyzer (NDIR)
- N.J.A.C. 7:27B-3.12. Procedures for the determination of volatile organic compounds in cutback and emulsified asphalts
- N.J.A.C. 7:27B-3.13. Procedures for the determination of leak tightness of gasoline delivery vessels
- N.J.A.C. 7:27B-3.14. Procedures for the direct detection of fugitive volatile organic compound leaks
- N.J.A.C. 7:27B-3.15. Procedures for the direct detection of fugitive volatile organic compound leaks from gasoline tank trucks and vapor collection systems using a combustible gas detector
- N.J.A.C. 7:27B-3.18. Test methods and sources incorporated by reference

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 713

[EPA-HQ-OPPT-2017-0421; FRL-9979-74]

RIN 2070-AK22

### Mercury; Reporting Requirements for the TSCA Mercury Inventory

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** As required under section 8(b)(10)(D) of the Toxic Substances Control Act (TSCA), EPA is finalizing reporting requirements for applicable persons to provide information to assist in the preparation of an “inventory of mercury supply, use, and trade in the United States,” where “mercury” is defined as “elemental mercury” and “a mercury compound.” The requirements apply to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process. Based on the inventory of information collected, the Agency is directed to “identify any manufacturing processes or products that intentionally add mercury; and . . . recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use.” At this time, EPA is not making such identifications or recommendations.

**DATES:** This final rule is effective August 27, 2018.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0421, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

#### FOR FURTHER INFORMATION CONTACT:

*For technical information contact:* Thomas Groeneveld, National Program Chemicals Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-1188; email address: [groeneveld.thomas@epa.gov](mailto:groeneveld.thomas@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Executive Summary

###### A. Does this action apply to me?

You may be potentially affected by this action if you manufacture (including import) mercury or mercury-added products, or if you otherwise intentionally use mercury in a manufacturing process. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include the following:

- Gold ore mining (NAICS code 212221).
- Lead ore and zinc ore mining (NAICS code 212231).
- All other metal ore mining (NAICS code 212299).
- Asphalt shingle and coating materials manufacturing (NAICS code 324122).
- Synthetic dye and pigment manufacturing (NAICS code 325130).
- Other basic inorganic chemical manufacturing (NAICS code 325180).

- All other basic organic chemical manufacturing (NAICS code 325199).
- Plastics material and resin manufacturing (NAICS code 325211).
- Pesticide and other agricultural chemical manufacturing (NAICS code 325320).
- Medicinal and botanical manufacturing (NAICS code 325411).
- Pharmaceutical preparation manufacturing (NAICS code 325412).
- Biological product (except diagnostic) manufacturing (NAICS code 325414).
- Paint and coating manufacturing (NAICS code 325510).
- Adhesive manufacturing (NAICS code 325520).
- Custom compounding of purchased resins (NAICS code 325991).
- Photographic film, paper, plate, and chemical manufacturing (NAICS code 325992).
- All other miscellaneous chemical product and preparation manufacturing (NAICS code 325998).
- Unlaminated plastics film and sheet (except packaging) manufacturing (NAICS code 326113).
- Unlaminated plastics profile shape manufacturing (NAICS code 326121).
- Urethane and other foam product (except polystyrene) manufacturing (NAICS code 326150).
- All other plastics product manufacturing (NAICS code 326199).
- Tire manufacturing (NAICS code 326211).
- All other rubber product manufacturing (NAICS code 326299).
- Iron and steel mills and ferroalloy manufacturing (NAICS code 331110).
- Rolled steel shape manufacturing (NAICS code 331221).
- Alumina refining and primary aluminum production (NAICS code 331313).
- Secondary smelting and alloying of aluminum (NAICS code 331314).
- Nonferrous metal (except aluminum) smelting and refining (NAICS code 331410).
- Secondary smelting, refining, and alloying of nonferrous metal (except copper and aluminum) (NAICS code 331492).
- Iron foundries (NAICS code 331511).
- Steel foundries (except investment) (NAICS code 331513).
- Fabricated structural metal manufacturing (NAICS code 332312).
- Industrial valve manufacturing (NAICS code 332911).
- Ammunition except small arms manufacturing (NAICS code 332993).
- Small arms, ordnance, and ordnance accessories manufacturing (NAICS code 332994).