



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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NEW JERSEY DEPARTMENT OF)	<u>ADMINISTRATIVE ACTION</u>
ENVIRONMENTAL PROTECTION,)	FINAL DECISION
AIR COMPLIANCE AND)	
ENFORCEMENT)	
Petitioner,)	
)	
v.)	
)	
HOLIDAY INN OF CLINTON/SNG)	OAL DKT. NO.: ECE 04318-21
PROPERTIES, LLC,)	AGENCY DKT. NO.: PEA 190001-
Respondent)	80114

This Order addresses the appeal by Holiday Inn of Clinton/SNG Properties, LLC (“Respondent”) of an Administrative Order and Notice of Civil Administrative Penalty Assessment (“AONOCAPA”) issued by the New Jersey Department of Environmental Protection (“Department”) on April 18, 2019 for violations of the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and its implementing regulations, the Air Pollution Control rules, N.J.A.C. 7:27. The AONOCAPA assessed a civil administrative penalty against Respondent in the amount of \$7,000 for violating the conditions of its Air Pollution Control Preconstruction Permit and Certificate to Operate General Permit (“Permit”) when Respondent (1) failed to check air quality forecasts for New Jersey prior to operating its emergency generator during testing or maintenance periods in violation of N.J.A.C. 7:27-8.3(e) and 8.13(d); and (2) failed to keep and maintain proper records of the operation of its emergency generator in violation of N.J.A.C. 7:27-19.11 and 8.3(e).

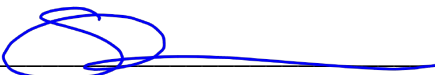
Respondent requested an adjudicatory hearing and, on June 19, 2019, the matter was transmitted to the Office of Administrative Law (“OAL”).

The Department moved for summary decision before Administrative Law Judge Tricia M. Caliguire (“ALJ”), who granted the Department’s motion on three of Respondent’s four violations. Prior to holding an adjudicatory hearing on the remaining violation, however, Respondent indicated that it no longer wished to contest the underlying violations and instead wished only to have the penalty waived or reduced due to financial hardship. A hearing was held on the penalty and the ALJ issued an Initial Decision on June 28, 2022. The ALJ found Respondent liable for all four violations set forth in the AONOCAPA and concluded that the Department appropriately assessed the \$7,000 penalty. Neither party filed exceptions to the Initial Decision.

By three Orders of Extension, the time for issuing this Final Decision was extended until December 27, 2022. During that period, while the Initial Decision was before me for review, Respondent and the Department reached a settlement of the matter. On November 9, 2022, the parties executed a Settlement Agreement and Withdrawal of Hearing Request (Settlement Agreement), a copy of which is attached to this Final Decision. As a result, the matter now rendered moot, further review of the ALJ’s Initial Decision is unnecessary. I therefore REJECT the Initial Decision as moot and ADOPT the Settlement Agreement as the Final Decision in this matter. Pursuant to the Settlement Agreement, Respondent shall pay to the Department the sum of \$2,250.00, within thirty days of the date of full execution of the Settlement Agreement, as provided in the Settlement Agreement.

IT IS SO ORDERED.

Dated: December 23, 2022


Shawn M. LaTourette, Commissioner
New Jersey Department of Environmental Protection



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR COMPLIANCE AND ENFORCEMENT

v.

HOLIDAY INN OF CLINTON/SNG
PROPERTIES, LLC

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