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## SUBCHAPTER 11 ENFORCEMENT AND REQUESTS FOR ADJUDICATORY HEARINGS

### **7:30-11.1 Purpose and general provisions**

(a) This subchapter governs the Department's assessment of civil administrative penalties, and commencement of a civil or criminal action for violations of the Act. This subchapter also governs the procedures for requesting an adjudicatory hearing on a notice of civil administrative penalty assessment or an administrative order.

(b) Nothing in this subchapter is intended to affect the Department's authority to revoke or suspend any permit, license, or other operating authority issued under the Act. Specifically, the Department may revoke or suspend a permit, license, certification, or other operating authority, without regard to whether a civil administrative penalty has been or will be assessed pursuant to this subchapter.

(c) Neither the assessment of a civil administrative penalty nor the payment of same shall be deemed to affect the availability to the Department of any other enforcement provision provided for by the Act, or any other statute, in connection with the violation for which the assessment is levied.

(d) For purposes of this subchapter, any person who undertakes or performs an obligation imposed upon another person pursuant to the Act, including any rule promulgated, and any administrative order, permit, license, certification, or other operating authority issued pursuant to the Act, may at the discretion of the Department be subject to a civil administrative penalty pursuant to this subchapter in the same manner and in the same amount as the person to which the obligation was initially imposed.

(e) Each violation of the Act, or violation of any rule promulgated, any administrative order, permit, license, or other operating authority issued pursuant to the Act, shall constitute an additional, separate, and distinct violation.

(f) Each day during which a violation continues shall constitute an additional, separate, and distinct violation.

### **7:30-11.2 Administrative order**

(a) Whenever, on the basis of available information, the Department finds a person in violation of any provision of the Act, or any rule promulgated, any administrative order, permit, license, or other operating authority issued pursuant to the Act, the Department may issue an administrative order:

1. Specifying each provision of the applicable law that has been, or is being, violated;
2. Citing the action that constituted the violation;
3. Requiring immediate compliance with the provision, or provisions, violated;
4. Requiring the person responsible for the violation to return to the site location and conduct a clean-up to reduce or remove the pesticide to a level deemed acceptable by the Department in accordance with N.J.A.C. 7:30-10.7; and
5. Providing notice of the right to a hearing on the matters contained in the order.

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(b) An administrative order issued pursuant to (a) above may include a notice of civil administrative penalty pursuant to N.J.A.C. 7:30-11.3.

### **7:30-11.3 Civil administrative penalty**

(a) Whenever, on the basis of available information, the Department finds a person in violation of any provision of the Act, or in violation of any rule promulgated, any administrative order, permit, license, or other operating authority issued pursuant to the Act, the Department may assess a civil administrative penalty of no more than \$25,000 for each violation, not including any amount assessed for economic benefit as determined under N.J.A.C. 7:30-11.8. The amount of the civil administrative penalty for a violation of the Act shall be determined pursuant to N.J.A.C. 7:30-11.6, 11.7, and 11.8.

(b) To assess a civil administrative penalty, the Department shall notify the violator by certified mail (return receipt requested) or by personal service. This notice of civil administrative penalty assessment shall:

1. Identify each section of the applicable law violated;
2. Concisely state the facts alleged to constitute the violation;
3. Specify the amount of the civil administrative penalty; and
4. Advise the violator of the right to request an adjudicatory hearing under N.J.A.C. 7:30-11.4.

(c) The violator shall pay a civil administrative penalty immediately upon receipt of the Department's final order in a contested case, or as soon as a notice of civil administrative penalty assessment becomes a final order, as follows:

1. If no hearing is requested pursuant to N.J.A.C. 7:30-11.4, a notice of civil administrative penalty assessment becomes a final order on the 36th day after the violator receives the notice of civil administrative penalty assessment.
2. If the Department denies a hearing request pursuant to N.J.A.C. 7:30-11.4(c) or (d), a notice of civil administrative penalty assessment becomes a final order upon the violator's receipt of the denial.
3. If the Department grants a hearing, a notice of civil administrative penalty assessment becomes a final order upon the violator's receipt of a final order in the contested case.

(d) The Department may, in its discretion, settle any civil administrative penalty assessed pursuant to this subchapter, based on an evaluation of the following factors:

1. Mitigating or extenuating circumstances not previously considered in the assessment of penalties;
2. The violator's timely implementation of measures leading to compliance, which measures were not previously considered in the assessment of penalties, including measures to clean up, reverse, or repair environmental damage caused by the violation, or to remove the violation; or
3. Any other terms or conditions acceptable to the Department.

### **7:30-11.4 Adjudicatory hearing**

(a) A person requesting an adjudicatory hearing shall send a completed Adjudicatory

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Hearing Request Checklist and written request for a hearing to:

1. New Jersey Department of Environmental Protection  
Office of Administrative Hearings and Dispute Resolution  
ATTENTION: Adjudicatory Hearing Requests  
401 E. State Street  
Mail Code 401-07A  
PO Box 420  
Trenton, New Jersey 08625-0420; and
2. Bureau of Pesticide Compliance and Enforcement  
PO Box 420  
Mail Code 401-04A  
Trenton, New Jersey 08625-0420

(b) The person requesting a hearing shall include with the completed Adjudicatory Hearing Request Checklist the following information:

1. The name, address, telephone number, and email address of:
  - i. The person the Department named in the document for which the hearing is sought;
  - ii. A contact person or authorized representative, if the person the Department named in the document is other than an individual; and
  - iii. The person's attorney, if any;
2. The date the person received the document for which a hearing is sought;
3. A copy of the document for which a hearing is sought, pursuant to (a) above;
4. An admission, a denial, or an averment of insufficient knowledge or information of the findings listed in the document being contested, as follows:
  - i. If the person is without knowledge or information sufficient to form a belief as to the truth of a specific finding, the person shall so state and this shall have the effect of a denial;
  - ii. If a person intends to deny any finding or portion of the finding in the document:
    - (1) The person shall identify the finding or portion of the finding that is denied. A general denial of some or all of the findings shall have the effect of an admission of each finding generally denied;
    - (2) For each finding or portion of a finding the person denies, the person shall explain the factual and legal basis of the denial. Any failure to provide a factual and legal basis for a denial shall have the effect of an admission of the finding; and
    - (3) The person shall ensure that each denial fairly meets the substance of the finding or portion of the finding denied. A denial that does not meet the substance of the finding denied shall have the effect of an admission of the finding; and
  - iii. If a person fails to either admit or deny any specific finding or portion of a finding, this shall have the effect of an admission of that finding.
5. A list of all factual and legal issues that the person is contesting, with each defense position stated in short and plain terms;
6. If the person's response to the Department allegation of noncompliance is that the person has complied with some or all of the applicable requirements, a description of all such compliance, including specific citation to each applicable requirement with which the person alleges it has complied; the facts and circumstances of the compliance, including a copy of any submission that is required by that applicable requirement; or other evidence of compliance and the date of compliance;

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7. Documents or information supporting the request for a hearing, and specific reference to, or copies of other written documents relied on, to support the request;
8. An estimate of the time required for the hearing (in days and/or hours); and
9. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(c) If the Department does not receive the hearing request within the number of days specified in the notice or order that is being contested, the Department shall deny the hearing request.

(d) If the violator fails to include all the information required under (b) above, the Department shall deny the hearing request.

(e) Any adjudicatory hearing shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) Nothing in this section shall be construed to provide a right to an adjudicatory hearing in contravention of N.J.S.A. 52:14B-3.1 through 3.3.

#### **7:30-11.5 Grace period**

(a) This section identifies violations of this chapter as minor or non-minor in accordance with N.J.S.A. 13:1D-125 et seq., which is commonly known as the Grace Period Law.

(b) The person responsible for any minor violations listed in the table at N.J.A.C. 7:30-11.6(a)5 shall achieve compliance within the number of days specified in the table, unless otherwise noted.

- (c) A violation shall be designated by the Department as a minor violation if:
1. The violation is not the result of purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
  2. The violation poses minimal risk to the public health, safety, and natural resources;
  3. The violation does not materially and substantially undermine or impair the goals of the regulatory program;
  4. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or local government agency;
  5. The person responsible for the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;
  6. In the case of a violation that does not involve a permit, the person responsible or the violation has not been identified in a previous enforcement action by the Department or local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period;
  7. In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible; and
  8. The activity or condition constituting the violation is capable of being corrected and

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compliance achieved within the period of time prescribed by the Department.

(d) Where the Department, or a local county government agency operating under the County Environmental Health Act (CEHA), N.J.S.A. 26:3A2-21 et seq., discovers a violation that is designated as minor in accordance with the table at N.J.A.C. 7:30-11.6 and in accordance with (c) above, it shall issue a notice of violation to the person responsible for the minor violation that:

1. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and
2. Notifies the person responsible for the violation that a penalty may be imposed under the Pesticide Control Act and this chapter, as applicable, unless compliance is achieved within the time period provided for the violation as set forth in N.J.A.C. 7:30-11.6.

(e) If the person responsible for a minor violation corrects that violation and achieves compliance within the period specified in the notice of violation issued pursuant to this section, the Department shall not seek penalties for the violation.

1. Any person responsible for a violation may be required to submit to the Department written information as to the corrective action taken or compliance achieved, and shall do so within the prescribed compliance time period provided for the violation in this subchapter.

(f) If the person responsible for the violation fails to achieve compliance within the period of time specified in the notice of violation, the Department may, in accordance with the provisions of the Act or this chapter, impose a penalty, which is retroactive to the date the notice of violation was first issued.

1. A penalty shall not be assessed for any violation of Subchapter 13.

(g) Persons who commit major violations will not be accorded a grace period and are subject to the penalty provisions of the Pesticide Control Act and this chapter, as applicable.

1. A penalty shall not be assessed for any violation of Subchapter 13.

#### **7:30-11.6 Civil administrative penalty amount: base penalty**

(a) When the Department assesses a civil administrative penalty for a violation of this chapter, the Department shall use the penalty schedule in the table at (a)5 below, except for circumstances listed at N.J.A.C. 7:30-11.7, and subject to the conditions in (a)1 through 5 below and any other Department statutory or regulatory powers.

1. The Department reserves the right to impose the statutory maximum penalty for any violation.
2. For a repeat violation of the same rule where the previous violation occurred less than two years prior, the Department shall double the base penalty.
3. For the purpose of this section, violation of the "same rule" means violation of the same specific requirement of a rule. Where a rule has a list of specific requirements, the same item on the list must be violated to be considered violation of the "same rule."
4. If "Use Matrix" appears in place of a base penalty in the table at (a)5 below, refer to N.J.A.C. 7:30-11.7 for the Department method for calculating a penalty.
5. The table below provides the rule citation, description, base penalty, type of violation

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under the Grace Period Law ("Minor" or "M" and "Non-Minor" or "NM"), and the grace period in days, if applicable. For N.J.A.C. 7:30-13, the base penalty is listed as N/A (not applicable) since there is no penalty assessed for violations of the subchapter.

<u>Citation</u> (N.J.A.C. 7:30-)	<u>Violation</u>	<u>Base Penalty</u>	<u>Type of Violation</u>	<u>Grace Period (days)</u>
2.1(a)	State Unregistered Product (per product)	\$1,000	M	30
2.1(a)	Federal Unregistered Product (per product)	Use Matrix	NM	
2.1(b)	Failure to register each pesticide product requiring Department registration	\$1,000	M	30
2.1(c)	At the time of registration, failure to file a statement with the Department with the correct information	\$1,000	M	30
2.1(o)	Failure of registrant to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
2.3(a)	Failure to submit required EUP information	\$1,000	M	30
2.3(c)	Failure to notify the Department of specific EUP information	\$1,000	NM	
2.5(a)	Failure to allow the Department to enter and inspect	Use Matrix	NM	
2.6(a)	Failure of the records to contain the required information	\$1,000	M	30
2.6(a)	Failure to maintain or submit a record concerning the delivery, movement, or holding of a pesticide	\$1,000	NM	
2.6(b)	Failure to allow access to records and/or provide copies of records	Use Matrix	NM	
2.7(a)	Failure to meet pesticide label or container specifications	\$1,000	NM	
2.7(d)	Detach, alter, deface, or destroy, wholly or in part, a pesticide label or labeling (per product)	Use Matrix	NM	
2.7(e)	Add a substance to, or remove a substance from, a pesticide in a manner that may defeat the purpose	\$1,000	NM	

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	of the Act or regulations (per product)			
2.7(f)	Reveal or use confidential or trade secret information for personal gain	\$25,000	NM	
2.7(g)	Refuse access to or to copy records of business transactions involving pesticides	Use Matrix	NM	
2.7(h)	Registered pesticide label or labeling missing, obscured, altered, etc.	\$1,000	NM	
2.7(i)	Use or store a pesticide in a manner that may endanger a man or woman or his or her environment or that may contaminate food, feed, or other products	\$1,000	NM	
2.7(j)	Making false or misleading claims through the media relating to the effects of a pesticide, the degree of certification required, or the application methods to be utilized	\$1,000	NM	
2.7(k)	Failure of any person to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
2.9(a)	Distribute, sell, offer for sale, purchase, or use an EPA-suspended or canceled pesticide	\$1,000	NM	
2.9(b)	Use of a tributyl tin (TBT) paint with an unacceptable release rate	\$1,000	NM	
2.9(c)	Distribute or use a State-suspended or canceled pesticide	\$1,000	NM	
2.11(f)	Distributing or selling a restricted use pesticide for resale only, to a retail dealer or distributor without first informing the purchaser in writing that the pesticide being distributed or sold is a restricted use pesticide	\$1,000	NM	
2.12(a)	Advertising in a manner that implies EPA- or Department-approval of the person, the pesticide, or the pest control technique used	\$1,000	M	30
2.12(b)1 through 7	Advertising in a manner that states or implies that a pesticide, pesticides, pest control technique or services that include the use of pesticides, are non-toxic or safe	\$1,000	M	30



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2.12(c)	Advertising or representing oneself in any manner to the public, as performing a service for which licensing is required without being licensed	\$1,000	M	30
2.12(d)	Advertising in a manner that is in violation of State or Federal law	\$1,000	NM	
3.1(a)	Unregistered pesticide dealer (Federally restricted pesticides)	\$1,750	NM	
3.1(a)	Unregistered pesticide dealer (New Jersey-restricted pesticides)	\$1,000	NM	
3.3(e)	Failure to notify the Department of changes in dealer registration information	\$1,000	M	30
3.6(a)	Failure to allow entry for inspection, sampling, or collection of records	Use Matrix	NM	
3.7(a)	Failure to maintain a record of the sale of a restricted use pesticide, or the record is substantially deficient	\$1,000	NM	
3.7(a)	A record of the sale of a restricted use pesticide is partially deficient	\$1,000	M	30
3.7(b)	Failure to maintain a record of a sale for the minimum three-year period	\$1,000	NM	
3.7(c)	Failure to make a record available to the Department upon request	Use Matrix	NM	
3.7(c)	Failure, upon request, to immediately provide a record to medical personnel in emergency cases	Use Matrix	NM	
3.7(d)	Failure to keep a record of the sale of pesticides used under a State or Federal Experimental Use Permit, FIFRA Section 18, or Section 24(c) registration separately from the other records of sale	\$1,000	M	30
3.8(a)	Failure to require a purchaser to present a valid license	\$1,000	NM	
3.8(a)5ii	Failure to obtain a statement signed by the end user that the New Jersey-restricted use pesticide shall not be used in New Jersey	\$1,000	M	30
3.8(b)	Failure to conduct a sale under the direct supervision of a licensed dealer	\$1,000	NM	
3.8(c)1	Misrepresentation of the degree of licensing required by the applicator	\$1,000	NM	



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3.8(c)2	Dissemination of misinformation as to the correct use of a pesticide	\$1,000	NM	
3.8(d)	Failure to inform a dealer or distributor that a pesticide is restricted use	\$1,000	NM	
3.9(a)	The sale of a pesticide to an unlicensed person without giving the required information sheet or failure to maintain a record of who is given the information sheet	\$1,000	M	30
3.9(c)	Failure to provide a record of sale to the Department upon request	Use Matrix	NM	
3.10	Requiring an unlicensed person to distribute a restricted use pesticide	\$1,000	NM	
3.11(e)	Failure to return a dealer and/or dealer business license to the Department within two weeks of a suspension or revocation	\$3,750	NM	
3.13	Failure of any person who is a dealer to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
4.1(a)	Unregistered dealer business (Federally restricted pesticide sale)	\$3,750	NM	
4.1(a)	Unregistered dealer business (State-restricted pesticide sale)	\$1,750	NM	
4.1(b)	Failure to register each pesticide outlet and/or each name (Federal-restricted pesticide sale)	\$1,000	NM	
4.1(b)	Failure to register each pesticide outlet and/or each name (State-restricted pesticide sale)	\$1,000	NM	
4.1(f)	Failure of a dealer business to submit the name and address of a sales person or agent	\$1,000	M	30
4.1(h)	Failure to notify the Department of changes in dealer business registration information	\$1,000	M	30
4.1(i)	Failure to post a list of persons to contact in case of a pesticide accident	\$1,000	M	1
4.2(a)	Failure to maintain a record of the sale of a restricted use pesticide or the record is substantially deficient	\$1,000	NM	
4.2(a)	A record of the sale of a restricted	\$1,000	M	30

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	use pesticide is partially deficient			
4.2(b)	Failure to maintain records of a sale for the minimum three-year period	\$1,000	NM	
4.2(c)	Failure to make a record of pesticide sale immediately available to the Department or to medical personnel	Use Matrix	NM	
4.2(d)	Failure to keep the record of sale for EUP, Section 18, or 24(c) separate from other records of sale	\$1,000	M	30
4.3(a)	Failure of a dealer business to require the purchaser to present a valid license	\$1,000	NM	
4.3(a)	The sale of a restricted use pesticide to an unlicensed person	\$1,000	NM	
4.3(a)	The sale of a State-restricted use pesticide to an out-of-State purchaser without obtaining a signed statement or keeping a record of the sale	\$1,000	M	30
4.3(b)	Failure to inform a dealer or distributor that a pesticide is restricted use	\$1,000	NM	
4.3(c)	Failure to conduct restricted use pesticide sale under the supervision of a dealer employed at the outlet	\$1,000	NM	
4.4(a)	The sale of a pesticide to an unlicensed person without providing the required information sheet or failure to maintain a record of who is given the information sheet	\$1,000	M	30
4.5(a)	Failure to allow entry for inspection, sampling, or collection of records	Use Matrix	NM	
4.6	Requiring an unlicensed person to sell restricted use pesticides	\$1,000	NM	
4.7(e)	Failure of the pesticide dealer business to return the pesticide dealer business license to the Department within two weeks of a suspension or revocation	\$3,750	NM	
4.8	Failure of any person who is a dealer business to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
5.1(a)	Unlicensed commercial pesticide operator	\$1,000	NM	

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5.1(d)	A commercial pesticide operator supervised the use of a pesticide	\$1,000	NM	
5.2(a)	Failure to meet the requirements for training as a commercial pesticide operator	\$1,000	NM	
5.3(d)1i	Failure to obtain and/or send a signed statement about a change in supervisor	\$1,000	M	30
5.3(d)2	Failure to apply for a new commercial pesticide operator's license due to a change in employer	\$1,000	NM	
5.3(f)	Failure to notify the Department of a change in registration information	\$1,000	M	30
5.3(g)	Failure of the cosigner for a commercial pesticide operator license to notify the Department of changes in registration information	\$1,000	M	30
5.3(h)	Failure of a commercial pesticide operator to maintain his or her license on his or her person during pesticide application	\$1,000	M	30
5.6	Failure to allow entry for inspection, sampling, or collection of records	Use Matrix	NM	
5.7(d)1	Failure to return a pesticide operator's license to the Department within two weeks of a suspension or revocation	\$3,750	NM	
6.1(a)	Unlicensed commercial applicator	Use Matrix	NM	
6.4(e)	Failure to notify the Department of a change in commercial pesticide applicator license information	\$1,000	M	30
6.4(f)	Failure of a commercial pesticide applicator to maintain his or her license on his or her person during pesticide application	\$1,000	M	30
6.7(a)	Failure to allow entry for inspection, sampling, or collection of records	Use Matrix	NM	
6.8(a)	Failure to maintain a record of pesticide application or the record is substantially deficient	\$1,000	NM	
6.8(a)	A record of pesticide application is partially deficient	\$1,000	M	30
6.8(b)	Failure of a commercial pesticide applicator to maintain a listing of the pesticide applied or to keep training	\$1,000	M	30

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	records separate			
6.8(c)	Failure of a commercial pesticide applicator to maintain a record for the minimum time period required	\$1,000	NM	
6.8(d)	Failure to make a record of pesticide application immediately available to the Department or medical personnel	Use Matrix	NM	
6.8(e)	Failure to provide a copy of the application record to a customer upon written request	\$1,000	NM	
6.8(f)	Failure to provide an agricultural employer with required information or the information is substantially deficient	\$1,000	NM	
6.8(f)	The information given to an agricultural employer is partially deficient	\$1,000	M	1
6.8(g)	Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately	\$1,000	M	30
6.9(d)1	Failure to return the commercial pesticide applicator license to the Department within two weeks of a suspension or revocation	\$3,750	NM	
6.10	Failure to present a valid license when purchasing a restricted use pesticide	\$1,000	NM	
6.11(a)	Failure of the cosigner for a commercial pesticide operator license to ensure that the commercial pesticide operator obtained adequate training as required pursuant to N.J.A.C. 7:30-5.2(a)	\$1,000	NM	
6.11(c)	Failure of the co-signer for a commercial pesticide operator license to notify the Department of changes in the registration information	\$1,000	M	30
6.12	Requiring an unlicensed individual or untrained handler to use or apply a pesticide	Use Matrix	NM	
6.14	Failure of any person who is a commercial pesticide applicator to follow the requirements of the Federal Container and Containment regulations, as incorporated by	\$1,000	NM	

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	reference			
7.1(a)	Unlicensed applicator business	Use Matrix	NM	
7.1(c)	Failure to register each place of business	\$1,000	NM	
7.1(c)	Failure to register each business name	\$1,000	M	30
7.1(d)	Failure of a business to employ at least one commercial pesticide applicator certified and registered in the proper category or subcategory	\$1,000	NM	
7.1(e)	Failure of a business to prominently display the required information on each service vehicle	\$1,000	M	30
7.1(f)	Failure of a business to notify the Department of changes in license information	\$1,000	M	30
7.2	Failure to allow entry to inspect, sample, or collect records	Use Matrix	NM	
7.3(a)	Failure to maintain a record of pesticide application or the record is substantially deficient	\$1,000	NM	
7.3(a)	A record of pesticide application is partially deficient	\$1,000	M	30
7.3(b)	Failure of a commercial pesticide applicator business to maintain adequate required list of pesticides applied, applicators employed, or training records	\$1,000	M	30
7.3(c)	Failure of a business to maintain a record of pesticide application for the minimum time period	\$1,000	NM	
7.3(d)	Failure to make a record of application immediately available to the Department or medical personnel	Use Matrix	NM	
7.3(e)	Failure of a business to provide a customer with a copy of the application record upon request	\$1,000	NM	
7.3(f)	Failure of the pesticide applicator or business to provide an agricultural employer with the information required or the information is substantially deficient	\$1,000	NM	
7.3(f)	The information given to an agricultural employer is partially deficient	\$1,000	M	1
7.3(g)	Failure to keep a record of	\$1,000	M	30

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	application for EUP, Section 18, and 24(c) pesticides separately			
7.4(a)	No proof of insurance	\$1,000	NM	
7.5	Requiring an unlicensed individual or untrained handler to use or apply a pesticide	Use Matrix	NM	
7.6(d)1	Failure of the pesticide applicator business to return the pesticide applicator business license to the Department within two weeks of a suspension or revocation	\$3,750	NM	
7.9	Failure of any person who is a commercial pesticide applicator business to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
8.1(a)	Unlicensed private applicator	Use Matrix	NM	
8.3(d)	Failure of a private pesticide applicator to notify the Department of a change in license information	\$1,000	M	30
8.7(a)	Failure to allow entry for inspection, sampling, or collection of records	Use Matrix	NM	
8.8(a)	Failure to maintain a record of a pesticide application or the record is substantially deficient	\$1,000	NM	
8.8(a)	A record of pesticide application is partially deficient	\$1,000	M	30
8.8(b)	Failure of a private pesticide applicator to maintain a required record, specifically a list of pesticides used, or handlers employed	\$1,000	M	30
8.8(c)	Failure of a private pesticide applicator to maintain an application record for the minimum of three years	\$1,000	NM	
8.8(d)	Failure to make a record of application immediately available to the Department or to medical personnel	Use Matrix	NM	
8.8(f)	Failure to keep records of application for EUP, Section 18, and 24(c) pesticides separately	\$1,000	M	30
8.9	Failure to present a valid license when purchasing a restricted use	\$1,000	NM	

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	pesticide			
8.10	A private applicator requiring an unlicensed individual or untrained handler to apply a pesticide	\$1,000	NM	
8.14	Failure of any person who is a private pesticide applicator to follow the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
9.2(a)	Failure to obtain a mosquito/fly permit prior to the application	\$1,000	NM	
9.2(c)4	Applying a pesticide prior to receiving written approval from the Department for a change to an approved mosquito/fly control permit	\$1,000	NM	
9.2(f)	Failure to coordinate a community or area wide mosquito control program with the county agency	\$1,000	NM	
9.2(g)	Failure to fulfill a condition of a mosquito/fly control permit	\$1,000	NM	
9.3(a)	Failure to obtain an aquatic pesticide permit	\$1,000	NM	
9.3(c)2	Failure to provide the Department with the information required as a condition for evaluation/approval of the aquatic pesticide permit application	\$1,000	M	30
9.3(c)3	Failure to submit the Department requested report	\$1,000	M	30
9.3(c)4	Failure to notify the Department of a change in an aquatic pesticide permit and failure to obtain approval prior to the application	\$1,000	NM	
9.3(e)	Failure to fulfill a condition of an aquatic use permit	\$1,000	NM	
9.3(j)	Failure to conform to the recordkeeping requirements of the "Record of Actual Treatment" (BPO-03 and BPO-06)	\$1,000	NM	
9.4(a)	Failure to comply with a notification provision	\$1,000	NM	
9.4(b)	Failure to provide label and/or exact treatment date	\$1,000	NM	
9.4(c)	Failure to comply with posting requirements	\$1,000	NM	



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9.4(d)	Failure to notify specific aquatic users	\$1,000	NM	
9.4(e)	Failure to comply with community and area-wide notification	\$1,000	NM	
9.4(f)3	Failure to maintain a copy of a notification waiver on file for at least three years	\$1,000	M	30
9.4(f)4	Failure to provide a copy of a notification waiver to the Department immediately upon request	Use Matrix	NM	
9.5(a)	Storing a restricted use pesticide; not posted with a warning sign	\$1,000	M	3
9.5(a)	Failure to store a restricted use pesticide properly	\$1,000	NM	
9.5(b)	Failure to maintain, or send, a list of pesticides stored (and a written description or diagram depicting the exact location) to the local fire company with cover letter (no fire has occurred)	\$1,000	M	3
9.5(b)	Failure to maintain, or send, a list of pesticides stored (and a written description or diagram depicting the exact location) to the local fire company with cover letter (a fire has occurred)	Use Matrix	NM	
9.5(b)1	Failure to send a list of pesticides stored to the local fire company each year by May 1	\$1,000	M	7
9.5(b)2	Failure to keep a list of pesticides stored at a location that is separate from the actual storage site	\$1,000	M	7
9.5(b)3	Failure to explain, in a cover letter, that the list of pesticides stored has been sent pursuant to N.J.A.C. 7:30-9.5(b)	\$1,000	M	30
9.5(b)4	Failure to maintain a copy of each year's cover letter on file for three years	\$1,000	M	30
9.5(c)	Failure to properly store a restricted use pesticide in a building used as a private residence	\$1,000	NM	
9.5(d)	Failure to properly store a restricted use pesticide in a commercial building or institution	\$1,000	NM	
9.5(e)	Storing a restricted use fumigant in a	\$1,000	NM	

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	multi-family private residence, or multi-unit commercial establishment or institutions			
9.5(f)	Failure to comply with any service vehicle requirement, or service vehicle is substantially deficient	\$1,000	NM	
9.5(f)	Service vehicle is partially deficient	\$1,000	M	3
9.5(g)	Storage of a pesticide near food or animal feed	\$1,000	NM	
9.5(h)	Failure of any person who stores or displays any pesticide to have equipment immediately available for spill response and clean up	\$1,000	M	1
9.6(a)	EPA-registered label is partially missing, obscured, altered, or unreadable	\$1,000	M	3
9.6(a)	EPA-registered label is missing	\$1,000	NM	
9.6(b)	Failure to comply with any service container labeling requirement or the labeling is substantially deficient	\$1,000	NM	
9.6(b)	Service container labeling is partially deficient	\$1,000	M	1
9.6(c)	Placing or keeping a pesticide in a container commonly used for food, drink, or household products	\$1,000	NM	
9.6(d)	Failure to conform to the requirements of the Federal Container and Containment regulations, as incorporated by reference	\$1,000	NM	
9.7(a)	Disposal of a pesticide in a manner that caused harm or injury to persons or the environment	Use Matrix	NM	
9.8(a)	Failure to immediately contain, cover, or remove a pesticide spill in an emergency	Use Matrix	NM	
9.8(c)	Failure of a responsible person to immediately notify the Department of a spill or incident	Use Matrix	NM	
9.8(d)	Failure to dispose of any pesticide released as a result of an emergency, in accordance with a Department-approved plan	Use Matrix	NM	
9.8(e)	The written plan for disposal as a result of an emergency failed to satisfy the Department	\$1,000	M	30

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9.9(a)	Failure to properly maintain the application equipment	\$1,000	NM	
9.9(b)	Failure to properly calibrate the application equipment	\$1,000	NM	
9.9(c)	Failure to supply safety equipment in good working order and train employees in its proper use	\$1,750	NM	
9.9(d)	Failure of an applicator, operator, or handler to wear the appropriate safety equipment while mixing or loading 2,4-D	\$1,000	NM	
9.10(b)	Failure to provide community or area-wide notification	\$1,000	NM	
9.10(b)5	Failure of the pesticide applicator to provide information at least 12 hours prior to the community or area-wide application when requested by a person residing in the vicinity.	\$1,000	NM	
9.10(e)	Failure to provide additional notification for publicly sponsored/funded community or area-wide pesticide applications	\$1,000	NM	
9.11(a)	Failure to provide beekeeper notification	\$1,000	NM	
9.11(b)	Beekeeper notification substantially deficient	\$1,000	NM	
9.11(b)	Beekeeper notification partially deficient	\$1,000	M	1
9.11(d)	Notice of emergency applications was not given to a beekeeper as soon as reasonably possible before or after the application	\$1,000	NM	
9.11(h)	Failure to provide updated notification the night prior to the new application date	\$1,000	NM	
9.11(j)	Performing a community or area-wide application on hardwood tree species within one mile of a commercial blueberry field during the period April 15 through May 31	\$1,000	NM	
9.11(k)	Applying a microencapsulated formulation, known to be toxic to bees, either in the crop or in the ground cover below or abutting the crop, while the crop or the ground cover was in bloom	\$1,000	NM	

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9.12(b)1	Failure to provide a Consumer Information Notice to a single-family resident, or the notice provided is substantially deficient	\$1,000	NM	
9.12(b)1	Consumer Information Notice provided to a single-family resident is partially deficient	\$1,000	M	7
9.12(b)2	Failure to provide the specific date of pesticide application or a copy of a label upon request	\$1,000	NM	
9.12(b)4	Failure to provide household or structural pesticide application notification requested by the new homeowner of a single-family residence that was treated pursuant to a real estate transaction	\$1,000	NM	
9.12(c)1	Failure to post a decal notice in each unit prior to the start of the application	\$1,000	M	15
9.12(c)2	Failure to post a decal prominently in the appropriate location	\$1,000	M	7
9.12(c)3	Failure to provide a copy of all information required in N.J.A.C. 7:30-9.12(c)4i through ix upon request	\$1,000	NM	
9.12(c)4	Failure to provide a consumer information notice or the notice provided is substantially deficient	\$1,000	NM	
9.12(c)4	Consumer information notice provided is partially deficient	\$1,000	M	7
9.12(c)5	Failure to provide prior notification of the specific date of application upon request by the tenant or resident	\$1,000	NM	
9.12(d)1	Failure to notify at an institution, or commercial or public building, or the notification provided is substantially deficient	\$1,000	NM	
9.12(d)1	Notification provided at an institution, or commercial or public building is partially deficient	\$1,000	M	7
9.12(d)2	Failure to provide prior notification of the specific date of application or a copy of a label upon request of the contracting party or occupant	\$1,000	NM	

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9.12(d)3	Failure to post notification information in an institution, or commercial or public building, or the posted notification information is substantially deficient	\$1,000	NM	
9.12(d)3	Notification information posted in an institution, or commercial or public building is partially deficient	\$1,000	M	7
9.12(d)4	Failure to post and maintain appropriate notification sign in a large public place	\$1,000	M	7
9.12(e)	Failure to properly notify an adjoining resident before using an aerosol or fog	\$1,000	NM	
9.13(b)1	Failure to post the proper sign when making a turf and/or ornamental application	\$1,000	M	1
9.13(b)2	Failure to provide a Consumer Information Notice, or the notice provided is substantially deficient	\$1,000	NM	
9.13(b)2	The Consumer Information Notice provided is partially deficient	\$1,000	M	7
9.13(b)3	Failure to provide prior notification of the specific date of a pesticide application upon request by the contracting party	\$1,000	NM	
9.13(c)1	Failure to post the proper signs at a multi-family residence, or industrial or commercial building	\$1,000	M	1
9.13(c)2	Failure to provide a Consumer Information Notice at a multi-family residence, or industrial or commercial building, or the notice provided is substantially deficient	\$1,000	NM	
9.13(c)2	Consumer Information Notice provided is partially deficient	\$1,000	M	7
9.13(c)3	Failure to provide the specific date of pesticide application upon request	\$1,000	NM	
9.13(d)1	Failure to post the proper notification sign at a golf course	\$1,000	M	3
9.13(d)1i i	Failure to make a necessary change to the required notification information on the signs at the starting tees	\$1,000	M	3
9.13(d)2	Failure to supply information requested by any person in writing	\$1,000	NM	

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9.13(d)3	Failure to supply notification information to the residents pursuant to 9.13(b)2, or the notification is substantially deficient, and/or failure to post pursuant to 9.13(b)1	\$1,000	NM	
9.13(d)3	The notification to residents pursuant to 9.13(b)2 is partially deficient	\$1,000	M	7
9.13(d)3	Failure to post pursuant to 9.13(b)1	\$1,000	M	1
9.13(d)4	Failure to post pursuant to 9.13(b)1 when the treated area is not part of the actual playing course	\$1,000	M	1
9.13(e)1 through 6	Failure to post properly at a school, institution, park, or similar site	\$1,000	M	1
9.13(e)7	Failure to provide a Consumer Information Notice to contracting party, or the notice provided is substantially deficient	\$1,000	NM	
9.13(e)7	The Consumer Information Notice is partially deficient	\$1,000	M	7
9.13(e)8	Upon request by the contracting party, failure to provide a specific date of application, or a copy of the label of the pesticides used to control turf or ornamental pest at a school, institution, park, or similar site	\$1,000	NM	
9.14(a)	Failure to provide notification to a school, or the notification provided is substantially deficient	\$1,000	NM	
9.14(a)	The school notification provided is partially deficient	\$1,000	M	1
9.15(a)	Failure to give notification when requested or under conditions that indicated that notification was necessary	Use Matrix	NM	
9.15(b)	Failure to give notification or take a reasonable precaution before application may commence	Use Matrix	NM	
9.16	Failure to comply with or inadequate general agricultural notification	\$1,000	NM	
9.17(a)	Failure to notify the Department of a reportable pesticide spill	Use Matrix	NM	
9.17(b)	Failure to immediately report a reportable spill by telephone to the Department Hotline, and file a written report within 10 days	Use Matrix	NM	

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10.2(a)	Pesticide label violation	Use Matrix	NM	
10.2(a)	Technical pesticide label violation, with no risk or damage	\$1,000	M	7
10.2(b)	Transporting, handling, storing, mixing, or loading a pesticide that caused harm, injury, damage, or risk	Use Matrix	NM	
10.2(c)	Applying a pesticide that causes harm, injury, damage, or risk	Use Matrix	NM	
10.2(d)	Directly applying a pesticide to a non-target site	Use Matrix	NM	
10.2(e)	Applying a pesticide without taking reasonable precautions, before, during and after the application	Use Matrix	NM	
10.2(f)	Drift or other movement of a pesticide to a non-target site	Use Matrix	NM	
10.2(g)	Cleaning or rinsing container or application equipment in a manner that caused harm, injury, damage, or risk	Use Matrix	NM	
10.2(h)	Failure to have back-flow prevention, causing significant risk of harm or injury, or actual harm or injury	Use Matrix	NM	
10.2(h)	Failure to have back-flow prevention, but no significant risk of harm or injury	Use Matrix	M	1
10.2(i)	Failure to have the label for the pesticide at the application or mixing site	\$1,000	M	1
10.2(j)	Applying a pesticide when people were within the boundaries of the target site to which the pesticide was applied	\$1,000	NM	
10.2(k)	Performing a community or area-wide pesticide application for gypsy moth control during normal student commuting times	\$1,000	NM	
10.2(l)	Failure to have a properly licensed applicator present at a fumigation location for the duration of the application	Use Matrix	NM	
10.2(m)	Application of a pesticide containing diazinon to a sod farm, golf course, or other turf areas greater than three acres, or other turf areas of three acres or less where evidence	\$1,000	NM	



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	indicates the presence of waterfowl			
10.2(n)	Applying a pesticide in or around a day care facility during normal operating hours where children would contact treated areas	Use Matrix	NM	
10.2(o)1	Application of a TBT antifoulant paint outside of a commercial boat yard	\$1,000	NM	
10.2(o)2	Application of a TBT antifoulant paint to a vessel that did not exceed 25 meters (82.02 feet) in length and/or did not have an aluminum hull	\$1,000	NM	
10.2(p)	Failure to comply with the Pinelands use restriction of herbicides	\$1,000	NM	
10.3(a)	Failure to use tamper-resistant rodent bait boxes when needed	\$1,000	NM	
10.3(b)	Failure to properly label a rodent bait box	\$1,000	NM	
10.3(b)	Failure to secure a rodent bait box when necessary	\$1,000	NM	
10.3(d)	Failure to remove all accessible bait	\$1,000	NM	
10.4(a)	Failure to have licensed applicator on-site for termite application	Use Matrix	NM	
10.4(b)	Failure to pressure test termite application equipment	\$1,000	NM	
10.4(c)	Failure to have a properly operating pressure gauge	\$1,000	NM	
10.4(d)	Failure to have adequate backflow prevention pursuant to N.J.A.C. 7:30-10.2(h)	\$1,000	NM	
10.4(e)	Failure to properly route a hose through a structure	\$1,000	NM	
10.4(g)1	Failure to follow termiticide restrictions for hollow block, brick, or tile foundation	\$1,000	NM	
10.4(g)2	Failure to follow a termiticide restriction for rubble/stone foundations	\$1,000	NM	
10.4(h)	Failure to follow termiticide restrictions for basement floors	\$1,000	NM	
10.4(i)	Failure to follow termiticide restrictions for a crawlspace	\$1,000	NM	
10.4(i)3	Failure to follow termiticide restrictions for a plenum crawlspace	\$1,000	NM	
10.4(j)	Failure to follow termiticide	\$1,000	NM	

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	restrictions for an inaccessible space			
10.4(k)	Failure to follow termiticide restrictions for a slab	\$1,000	NM	
10.4(m)1	Failure to follow termiticide restrictions for a well	\$1,000	NM	
10.4(n)	Failure to follow a retreatment restriction	\$1,000	NM	
10.4(p)	Failure to provide proper notification for termiticide treatment	\$1,000	M	7
10.4(q)	Failed to keep a proper diagram of the structure treated	\$1,000	M	30
10.5	Failure to comply with organochlorine restrictions in N.J.A.C. 7:30-10.5	\$1,000	NM	
10.6(b)	Failure of a pilot to learn and confirm: <ul style="list-style-type: none"> <li>1. The boundaries and exact location of the target area</li> <li>2. The identity of non-target area and safety hazards</li> </ul>	\$1,000	NM	
10.6(c)	Failure to thoroughly rinse spray and spreading equipment after each application	\$1,000	NM	
10.6(d)	Failure to maintain proof of proper calibration of aerial application equipment	\$1,000	NM	
10.6(d)	Failure to provide proof of calibration of application equipment to the Department upon request	Use Matrix	NM	
10.6(d)	Failure to properly calibrate application equipment	\$1,000	NM	
10.6(i)	Failure to have spray or spreading equipment free of leaks and/or have a positive shutoff system	\$1,000	NM	
10.6(j)	The shape of the tank or hopper of the spray or spreading equipment did not allow for complete drainage	\$1,000	NM	
10.6(l)	Aerially releasing pesticide more than 15 feet above the target or more than 50 feet above trees	\$1,000	NM	
10.6(m)	Aerially releasing a pesticide formulated as dry granules or pellets more than 40 feet above the target	\$1,000	NM	
10.6(o)	Failure to obtain the required information for the consent agreement	\$1,000	M	30

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10.6(o)	Failure to obtain property owner(s) consent for aerial application	\$1,000	NM	
10.6(o)	Making an aerial application to a site of less than three acres that was not part of a larger property or contiguous properties that together totaled more than three acres	\$1,000	NM	
10.6(p)	Making an aerial pesticide application to a field that was not part of a larger field of three or more acres	\$1,000	NM	
10.6(q)	Failure to follow buffer zone restrictions for an aerial application	\$1,000	NM	
10.6(r)	Directly applying a pesticide by aircraft to a right-of-way of a public road that was not included in the target site	Use Matrix	NM	
10.6(s)	Depositing a pesticide by aircraft within 100 feet of a private residence without obtaining written consent or failing to include information required for such agreements	\$1,000	NM	
10.6(s)4ii	Failure to maintain copies of a consent agreement obtained	\$1,000	NM	
10.6(s)4ii i	Failure to provide a copy of a consent agreement to the Department upon request	Use Matrix	NM	
10.6(t)	Aerially applying a broad-spectrum pesticide for a non-agricultural purpose	Use Matrix	NM	
10.6(u)	Failure to petition the Department for approval to use a broad-spectrum pesticide	Use Matrix	NM	
10.6(v)	Failure to inform the Department of the application and provide justification	Use Matrix	NM	
10.6(w)	Failure to request a waiver from the provisions of N.J.A.C. 7:30-9.10	\$1,000	NM	
10.6(x)	Applying a pesticide by aerial application equipment, without the pesticide being specifically labeled for aerial application	\$1,000	NM	
10.7(a)	Failure to conduct a clean up	Use Matrix	NM	
10.7(b)	Failure to notify the Department that a clean up had been completed and/or failure to provide analytical	\$1,000	NM	

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	results			
10.9(a)	Failure to submit to the Department the required information regarding pesticide use	\$1,000	M	30
10.9(b)	Failure to provide additional information relating to a specific pesticide or type of pesticide requested by the Department	\$1,000	NM	
12.1(a)	Failure of an agricultural employer or the handler employer to meet the requirements of N.J.A.C. 7:30-12.1	Use Matrix	NM	
12.1(c)	Preventing, discouraging, or taking retaliatory action for attempts made by any worker or handler from complying or attempting to comply with any requirement of N.J.A.C. 7:30-12	Use Matrix	NM	
12.3(a)	Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the treated area	\$1,000	NM	
12.3(b)	Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or to remain in the restricted-entry area of an enclosed space	\$1,000	NM	
12.3(c)1	Allowing or directing a person, other than an appropriately trained and equipped handler, to enter or remain in the restricted-entry area of an enclosed space prior to the inhalation exposure level the labeling requires is achieved or ventilation criteria are met	\$1,000	NM	
12.3(c)2	Allowing or directing a worker to enter an enclosed space restricted-entry area before the restricted-entry interval expires	\$1,000	NM	
12.3(c)3	Failure to achieve inhalation exposure requirements in an enclosed space as indicated on the pesticide labeling	\$1,000	NM	
12.4(a)	Allowing or directing a worker to enter or remain in the treated area before the restricted-entry interval expires and all warning signs have	\$1,000	NM	

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	been removed			
12.4(a)3	Failure to ensure that any worker who enters a treated area during a restricted-entry interval uses the personal protective equipment specified in the product labeling	\$1,000	NM	
12.5(a)1	Failure of an agricultural employer to notify workers of any pesticide application in an enclosed space by posting when necessary	\$1,000	M	1
12.5(a)2	Failure of an agricultural employer to notify workers of a pesticide application in an enclosed space by posting or oral notification when necessary	\$1,000	M	1
12.5(a)3	Failure of an agricultural employer to notify workers of any pesticide application in an enclosed space by posting and by oral notification when necessary	\$1,000	NM	
12.5(b)1	Failure of an agricultural employer to post warning signs when the restricted-entry interval is greater than 48 hours for outdoor production	\$1,000	NM	
12.5(b)2	Failure of an agricultural employer to notify workers of a pesticide application either orally or by posting when the restricted entry interval is less than 48 hours for outdoor production	\$1,000	M	1
12.5(b)3	Failure of an agricultural employer to provide oral notice and post warning signs for outdoor production	\$1,000	NM	
12.5(c)	Failure of an agricultural employer to properly post a warning sign	\$1,000	M	1
12.5(d)	Failure of an agricultural employer to provide an oral warning to workers	\$1,000	M	1
12.6(a)	Failure of an agricultural employer to display specific information about a pesticide	\$1,000	M	1
12.6(b)	Failure of an agricultural employer to display accessible and legible information about a pesticide application in the proper location	\$1,000	M	1

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12.6(c)	Failure to post specific information about a pesticide application at the correct time or for the correct duration	\$1,000	M	1
12.6(d)	Failure of an agricultural employer to display specific information about a pesticide	\$1,000	M	1
12.6(e)	Failure to retain pesticide application, safety, and hazard information for three years	\$1,000	M	1
12.6(f)	Failure to provide pesticide application, safety, and hazard information upon request to a worker or handler	\$1,000	NM	
12.6(g)	Failure to provide pesticide application, safety, and hazard information to medical personnel upon request	\$1,000	NM	
12.6(h)	Failure to provide pesticide application, safety, and hazard information to a designated representative upon written request	\$1,000	NM	
12.7(a)	Failure of an agricultural employer to provide to a handler employer specific information about a treated area	\$1,000	M	1
12.8(a)	Failure of the agricultural employer to ensure that each worker has been trained properly before entering a treated area	\$1,750	NM	
12.8(a)1	Failure of an agricultural employer to ensure that a worker has been given orientation training	\$1,000	M	1
12.8(c)	Failure to provide the oral or audiovisual information in a manner that a worker can understand in a location conducive to training	\$1,000	M	1
12.8(c)1	Failure of the person conducting the worker training to meet the required criteria	\$1,000	NM	
12.8(c)2	Failure to ensure that a worker whose name appears on a completed roster has been trained	\$1,000	NM	
12.8(c)3	Training materials do not convey required information	\$1,000	M	1
12.8(e)	Failure to provide educational	\$1,000	M	30

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	pamphlets			
12.8(j)	Failure to cease training during the time period for which trainer recognition has been revoked or suspended	Use Matrix	NM	
12.8(m)	Failure of a trainer to keep a training roster for each worker trained in New Jersey	\$1,000	M	30
12.8(n)	Failure to maintain a training roster for a minimum of three years	\$1,000	M	30
12.8(o)	Failure to provide a training roster immediately upon request by the Department	Use Matrix	NM	
12.8(p)	Failure to provide a copy of a roster to a worker upon request	\$1,000	NM	
12.8(q)	Failure to provide training data after receipt of survey	\$1,000	M	30
12.9(a)	Failure of an agricultural employer to display pesticide safety information when required	\$1,000	NM	
12.9(a)3	Failure to display emergency medical care information or inform workers within 24 hours of any changes in the information	\$1,000	M	1
12.9(b)	Failure to display the safety information in the proper location	\$1,000	M	1
12.9(c)	Failure to inform workers of the location of the safety information or allow access to it	\$1,000	NM	1
12.9(d)	Failure to ensure that safety information remains legible	\$1,000	M	1
12.10(a)	Failure of an agricultural employer to provide a complete decontamination site or supplies	\$1,000	NM	
12.10(b)	Failure of the agricultural employer to provide a worker with at least one gallon of water of required quality for routine washing and emergency decontamination	\$1,000	NM	
12.10(b) 1	Failure to equip a water tank with properly functioning valves or other mechanisms that prevent movement of a pesticide into the tank, when necessary	\$1,000	NM	
12.10(b) 2	Failure of the agricultural employer to provide sufficient soap and single-	\$1,000	M	1



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	use towels at each decontamination site			
12.10(c)	Failure to place the decontamination supplies together and where they are reasonably accessible to workers	\$1,000	NM	
12.10(c)2	Placing the decontamination site in an area being treated with pesticides	\$1,000	NM	
12.10(c)3	Placing the decontamination site in an area that is under a restricted-entry interval, where the workers for whom the site is provided were not performing early-entry activities	\$1,000	NM	
12.10(d)	Failure of the agricultural employer to provide early-entry workers soap, clean towels, and at least three gallons of water per worker so that the workers may wash thoroughly	\$1,000	NM	
12.11(a)1	Failure of an agricultural establishment to provide emergency medical transportation	Use Matrix	NM	
12.11(a)2	Failure of an agricultural establishment to provide information in a medical emergency	Use Matrix	NM	
12.13(a)	Allow pesticide to contact anyone other than an appropriately trained and equipped handler involved in the application	Use Matrix	NM	
12.13(b)	Failure of the handler employer to ensure that a handler is monitored visually or by voice communication at least every two hours when required	\$1,000	M	1
12.13(c)	Failure of the handler employer to ensure that a handler maintains continuous visual or voice contact with another handler when required, and that there is immediate access to and use of the necessary PPE	\$1,000	NM	
12.13(d)	Failure of a handler to suspend a pesticide application when necessary	\$1,000	NM	
12.14(a)	Failure of an agricultural employer to display specific information when required	\$1,000	M	1
12.14(b)	Failure to display specific information about pesticides for pesticide handlers in the correct	\$1,000	M	1

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	location or in the correct manner			
12.14(c)	When warning signs are posted for the treated area before an application, failure to post the specific application information for that application at the same time or earlier	\$1,000	M	1
12.14(c)1	Failure to post specific application information at the correct time or for the correct duration	\$1,000	M	1
12.14(d)	Failure to post the required information for a pesticide application for the benefit of handlers	\$1,000	M	1
12.14(e)	Failure to retain application and hazard information for three years	\$1,000	M	30
12.14(f)	Failure to provide application or hazard information to a worker or handler upon request	\$1,000	NM	
12.14(g)	Failure to provide application or hazard information to medical personnel	\$1,000	NM	
12.14(h)	Failure to provide application or hazard information to a designated representative	\$1,000	NM	
12.15(a)	Failure of a handler employer, commercial pesticide applicator, and/or pesticide applicator business to notify the agricultural employer, owner, or lessee responsible for the field being treated of the required information before the application was made	\$1,000	NM	
12.15(b)	Failure of a handler employer, commercial pesticide applicator, and/or pesticide applicator business to update the agricultural employer with changes to application information	\$1,000	NM	
12.16(a)	Failure to train a handler	\$1,000	NM	
12.16(a)1	Handler task performed by a person less than 18 years of age	\$1,000	NM	
12.16(a)2	Failure to conduct orientation training for a handler	\$1,000	M	1
12.16(c)	Failure to present pesticide safety information, either orally or	\$1,000	M	1

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	audiovisually, in a manner that a handler can understand, in a location conducive to training and using EPA-approved materials			
12.16(c)1	Failure of a person conducting handler training to meet the required criteria	\$1,000	NM	
12.16(c)2	Failure to ensure that a handler who is listed on a roster as trained, was trained	\$1,000	NM	
12.16(c)3	Materials used to train handlers do not convey the required minimum information	\$1,000	M	1
12.16(f)	Failure to annually provide educational pamphlets as required	\$1,000	M	30
12.16(k)	Training a handler or worker during the time period for which trainer recognition has been suspended or revoked	Use Matrix	NM	
12.16(n)	Failure of a handler trainer and/or agricultural employer to keep a training roster for each handler or worker trained	\$1,000	M	30
12.16(o)	Failure to maintain all handler training rosters for a minimum of three years	\$1,000	M	30
12.16(p)	Failure to provide all handler training rosters immediately upon request by the Department	Use Matrix	NM	
12.16(q)	Failure of trainer or agricultural employer to send a copy of the roster of handlers trained to the Department within 30 days	\$1,000	M	30
12.17(a)	Failure of the handler employer to ensure that the handler either reads the product labeling or is informed of necessary labeling requirements	\$1,000	NM	
12.17(a)1	Failure of the handler employer to ensure that the handler has access to the product labeling information during handling activities	\$1,000	M	1
12.17(a)2	Failure of the handler employer to ensure that the handler is aware of all entry restrictions	\$1,000	NM	
12.17(b)	Failure of a handler employer to ensure that a handler is aware of the	\$1,000	M	1

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	required information concerning any pesticide treated areas			
12.18(a)	Failure of the handler employer to ensure that a handler is instructed in the safe operation of equipment, including, when relevant, chemigation safety requirements and drift avoidance	\$1,000	M	1
12.18(b)	Failure of the handler employer to ensure that equipment is in good working order	\$1,000	M	1
12.18(c)	Failure of the handler employer to ensure that pesticide residues have been removed from equipment before allowing any person to repair, clean, or adjust the equipment, or that a person not employed by the establishment is informed of appropriate safety precautions	\$1,000	M	1
12.19(a)	Failure of a handler employer to display pesticide safety information for handlers who are not employed by a commercial handling establishment	\$1,000	M	1
12.19(a)1	Failure of a handler employer to display safety information that conveys, at a minimum, the required basic pesticide safety concepts	\$1,000	M	1
12.19(a)3	Failure of a handler employer to display emergency medical care information or update the information	\$1,000	M	1
12.19(a)4	Failure to display the Department contact information	\$1,000	M	30
12.19(b)	Failure of a handler employer to display safety information at the proper locations where it can be readily seen and read by handlers	\$1,000	M	1
12.19(c)	Failure of a handler employer to inform handlers of the location of, or allow access to, the safety information	\$1,000	M	1
12.19(d)	The safety information was not legible during the time it was posted	\$1,000	M	1
12.20(a)	Failure of a handler to use the clothing and PPE specified on the	\$1,000	NM	

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	labeling for the use of the product while performing pesticide handler tasks			
12.20(c)	Failure of the handler employer to provide appropriate PPE to the handler when required	\$1,000	NM	
12.20(c)9	Failure to provide the appropriate respirator, fit test, training, or medical evaluation	\$1,000	NM	
12.20(c)9 iv	Failure to keep a record for respirator fit test, training, or medical evaluation, or the record is substantially deficient	\$1,000	NM	
12.20(c)9 iv	The record for respirator fit test, training, or medical evaluation is partially deficient	\$1,000	M	30
12.20(d)	Failure to follow conditions for exception to PPE requirements	\$1,000	M	1
12.20(e)	Failure of a handler employer to ensure that PPE is used correctly and maintained properly	\$1,000	M	1
12.20(f)	Failure of handler employer to ensure that all PPE is cleaned, maintained, stored, disposed, or used according to the manufacturer's instructions, pesticide labeling, or regulations	\$1,000	M	1
12.20(g)	Failure of a handler employer to take appropriate measures to prevent heat-related illness	\$1,000	NM	
12.21(a)	Failure of a handler employer to provide decontamination supplies	\$1,000	NM	
12.21(b)	Failure of a handler employer to provide at least three gallons of water for routine washing and for emergency decontamination	\$1,000	M	1
12.21(b)	Failure of the handler employer to ensure that water was of a quality and temperature that did not cause illness or injury when it contacted the skin or eyes, or if swallowed	\$1,000	NM	
12.21(b) 1	Failure to use properly functioning valves or other mechanisms that prevent movement of pesticides into the water source, when necessary, causing significant risk of harm or	Use Matrix	NM	

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	injury or actual harm or injury			
12.21(b) 1	Failure to have back-flow prevention, but no significant risk of harm or injury	Use Matrix	M	1
12.21(b) 2 and 3	Failure of a handler employer to provide sufficient soap and single-use towels, and a change of clothing, at each decontamination site	\$1,000	M	1
12.21(c)	Failure of a handler employer to provide decontamination supplies together and/or provide them at the required location	\$1,000	M	1
12.21(d)	Failure of a handler employer to ensure that the appropriate amount and system for delivering rinse water is immediately available to each handler when required	\$1,000	M	1
12.21(e)	Failure of a handler employer to provide at least one pint of water in a portable container when required	\$1,000	M	1
12.21(f)	Failure of a handler employer to provide, at the site where handlers remove PPE, soap, clean towels, and a sufficient amount of water	\$1,000	M	1
12.22(a)1	Failure to provide emergency transportation to a handler who has been poisoned or injured by exposure to a pesticide	Use Matrix	NM	
12.22(a)2	Failure to provide the handler and medical personnel with required information in a medical emergency involving a pesticide	Use Matrix	NM	
13.1(b)	Failure to adopt and implement a school IPM Policy	NA	NM	
13.2(a)	Failure of a school to develop and implement an IPM Plan pursuant to its policy	NA	NM	
13.2(b)	Failure of a school to use IPM methods in its pest control program	NA	M	30
13.2(c)	Failure to provide information to students and parents or guardians on how they can contribute to the success of IPM	NA	M	30
13.2(d)	Failure of a school to report annually to the school's governing board on the effectiveness of the IPM Plan	NA	M	45

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	and recommend improvements as needed			
13.3(a)	Failure of a school to designate an IPM Coordinator	NA	NM	
13.3(a)1i through v	Failure of an IPM Coordinator to implement the IPM Plan, maintain the required information about the IPM Policy and Plan, act as a contact for inquiries, maintain material safety data sheets and labels, and to ensure that commercial pesticide applicators on school property are in compliance with applicable rules	NA	M	30
13.3(b)	Failure of an IPM Coordinator to obtain training sufficient to implement an IPM Policy and Plan	NA	NM	
13.3(c)	Failure of an IPM Coordinator to submit required information	NA	M	30
13.4(a)	Failure of a school to maintain pesticide application records or make them available upon request	NA	NM	
13.4(b)	Failure of a school to maintain pest surveillance data and other non-pesticide related records	NA	M	30
13.5(a)	Failure of a school to provide annual notification of the IPM policy	NA	M	30
13.5(b)	Failure of a school to provide the annual notice to new staff members or parents or guardians of new students	NA	M	30
13.6(b)	Failure of a school to provide notification 72 hours before the use of a pesticide other than a low-impact pesticide	NA	NM	
13.6(d)	Failure of a school to reissue required notification when a pesticide application has been rescheduled	NA	NM	
13.6(e)	Failure of a school to meet the requirements of posted notification signs	NA	NM	
13.6(f)	Failure of a school to include on the posted sign, three dates in chronological order on which the pesticide application may take place	NA	NM	
13.7(b)	Failure of a school to provide notice	NA	NM	



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	of an emergency application of pesticides			
13.7(c)	Failure of a school to post notification signs for an emergency application of pesticides	NA	NM	
13.7(e)	Failure of a school to modify its IPM Plan in response to an emergency application of pesticides	NA	M	30
13.8(a)	Failure to comply with re-entry requirements for a pesticide application	NA	NM	
13.8(b)	Application of a pesticide other than a low-impact pesticide when students are present	NA	NM	
13.8(c)	Failure to comply with re-entry requirements for low-impact pesticides	NA	NM	

#### 7:30-11.7 Civil administrative penalty amount: matrix

(a) The Department shall assess penalties under this section, and not under N.J.A.C. 7:30-11.6, when:

1. Because of the specific circumstances of the violation, the Department determines that the penalty amount under N.J.A.C. 7:30-11.6 would be too low to provide a sufficient deterrent effect as required by the Act;
2. The table in N.J.A.C. 7:30-11.6 refers to the matrix in this section; or
3. The violation is not listed under N.J.A.C. 7:30-11.6.

(b) The Department shall assess a civil administrative penalty for violations described in this section on the basis of the seriousness of the violation and the conduct of the violator as set forth below, unless the violation is eligible for a minor designation and a grace period under N.J.A.C. 7:30-11.5. The Department's assessment shall begin at the midpoint of range and be adjusted in accordance with the factors in (e) below:

		SERIOUSNESS OF VIOLATION		
		MAJOR	MODERATE	MINOR
CONDUCT	MAJOR	\$15,000 - \$25,000	\$5,000 - \$15,000	\$2,500 - \$7,500
	MODERATE	\$5,000 - \$15,000	\$2,500 - \$5,000	\$1,000 - \$2,500
	MINOR	\$2,500 - \$7,500	\$1,000 - \$2,500	\$0 - \$1,000, or as set forth in N.J.A.C. 7:30-11.6

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(c) The "seriousness" of the violation shall be classified as major, moderate, or minor as follows:

1. "Major" seriousness shall include any violation that has caused, or has the potential to cause, substantial harm to human health, safety, or the environment, or seriously deviates from the applicable law. Serious deviations include, but are not limited to, those violations that are in complete contravention of the law, requirement, and/or severely impair or undermine the protection, operation, or intent of the law, requirement, or condition. Violations of "major" seriousness include, but are not limited to, direct application to, or pesticide drift onto persons or domestic animals, or damage to property; pesticide spills or runoff causing harm to fish or other aquatic life; and failure to ensure use of proper safety equipment resulting in pesticide exposure.
2. "Moderate" seriousness shall include any violation that has caused or has the potential to cause some degree of harm to human health, safety, the Act regulatory program, or the environment, or substantially deviates from the applicable law. Substantial deviation shall include, but not be limited to, violations that are in substantial contravention of the law and/or impair or undermine the protection, operation, or intent of the law. Violations of "moderate" seriousness also include, but are not limited to, pesticide drift onto non-target property; failure to notify the Department of a pesticide spill requiring Department notice; and failure to notify a person that requests pesticide application notice.
3. "Minor" seriousness shall include any violation not included in (c)1 or 2 above.

(d) The "conduct" of the violator shall be classified as major, moderate, or minor as follows:

1. "Major" conduct shall include any intentional, deliberate, purposeful, knowing, or willful act or omission by the violator;
2. "Moderate" conduct shall include any unintentional, but foreseeable act or omission by the violator; and
3. "Minor" conduct shall include any other conduct not included in (d)1 or 2 above.

(e) The Department may adjust the amount determined pursuant to (b), (c), and (d) above to assess a civil administrative penalty in an amount no greater than the maximum amount nor less than the minimum amount in the range described in (b) above, on the basis of the following factors:

1. The compliance history of the violator;
2. The nature, timing, and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed;
3. The nature, timing, and effectiveness of any measures taken by the violator to prevent future similar violations;
4. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation;
5. The deterrence value of a penalty within the prescribed range; and/or
6. Other circumstances specific to the violator or the violation.

#### **7:30-11.8 Economic benefit**

The Department may add to a civil or civil administrative penalty assessed under this subchapter based on the amount of economic benefit that the violator has realized as the result of not complying, or by delaying compliance with the Act or this chapter.

**7:30-11.9 Civil action**

(a) Whenever, on the basis of available information, the Department finds a person in violation of the Act, or any rule promulgated, and any administrative order, permit, license, or other operating authority issued pursuant to the Act, the Department may institute a civil action in Superior Court for appropriate relief. Such relief may include, singly or in combination:

1. A temporary or permanent injunction;
2. Assessment against the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this section;
3. Assessment against the violator for any costs incurred by the State in removing, correcting, or terminating the adverse effects upon the environment resulting from any unauthorized regulated activity for which legal action under this section may have been brought;
4. Assessment against the violator for compensatory damages for any loss or destruction of wildlife, fish, or aquatic life, plants, and for any other actual damages caused by an unauthorized regulated activity. Assessments under this section shall be paid to the State Treasurer, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the unauthorized regulated activity; and/or
5. A requirement that the violator restore or rehabilitate the site of the violation to the maximum extent practicable and feasible, or in the event that restoration of the site of the violation is not practicable and feasible, provide for off-site restoration alternatives as approved by the Department.

**7:30-11.10 Civil penalty**

(a) Each person who does any of the following shall be subject, upon the order of a court, to a civil penalty not to exceed \$25,000 per day of the violation, not including any amount assessed for economic benefit as determined under N.J.A.C. 7:30-11.8:

1. Violates the Act or this chapter;
2. Violates an administrative order or a court order issued pursuant to the Act or this chapter;
3. Fails to pay in full a civil administrative penalty assessed under this chapter, or fails to make a payment pursuant to a penalty payment schedule entered with the Department; or
4. Knowingly makes any false or misleading statement on any application, record, report, or other document required to be submitted to the Department.

(b) A civil penalty imposed under this section may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq. The Superior Court shall have jurisdiction to enforce the Penalty Enforcement Law in conjunction with the Act and this chapter.

(c) The amount of a civil penalty for a violation of this chapter shall be calculated in accordance with N.J.A.C. 7:30-11.7, Civil administrative penalty amount: matrix.

**7:30-11.11 Criminal action**

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(a) The Department, upon petition to the Attorney General, may bring a criminal action in court for certain violations of the Act, or any rule promulgated, and any administrative order, permit, license, certification, or other operating authority issued pursuant to the Act.

(b) A person who purposely, knowingly, or recklessly violates the Act, or including any rule promulgated, and any administrative order, permit, license, certification, or other operating authority issued pursuant to the Act, shall be guilty, upon conviction, of a crime of the third degree and shall be subject to a fine of no less than \$5,000, nor more than \$50,000 per day of violation.

(c) A person shall, upon conviction, be subject to a fine of no more than \$50,000 if the person purposely, knowingly, or recklessly:

1. Makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under the Act, or any rule promulgated, and any administrative order, permit, license, certification, or other operating authority issued pursuant to the Act; or
2. Falsifies, tampers with, or renders inaccurate, any record or monitoring device to be maintained under the Act, or any rule promulgated, and any administrative order, permit, license, certification, or other operating authority issued pursuant to the Act.