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ENVIRONMENTAL PROTECTION

Compliance and Enforcement

Proposed Readoption with Amendments: N.J.A.C. 7:27A

Authorized by: Bradley M. Campbell, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq.; 13:1B-3; 13:1D-125 to 133; 26:2C-1
et seq., particularly 26:2C-8 and 26:2C-19

Calendar Reference: See summary below for explanation of exception to calendar
requirement.

DEP Docket No:

Proposal Number: PRN 2004-

A public hearing concerning this proposal will be held on

Date:

Time:

New Jersey Department of Environmental Protection

Public Hearing Room

401 East State Street

Trenton, NJ 08625

Submit written comments by _____, 200__ to:
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Attn: Alice A. Previte, Esq.

DEP Docket Number _____

Office of Legal Affairs

P.O. Box 402

Trenton, NJ 08625-0402

Written comments may also be submitted at the public hearing. It is requested (but not required) that anyone presenting oral testimony at the public hearing provide a copy of any prepared text to the stenographer at the hearing.

The Department of Environmental Protection (Department) requests that commenters submit comments on disk or CD as well as on paper. Submittal of a disk or CD is not a requirement. The Department prefers Microsoft Word 6.0 or above. Macintosh™ formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment.

The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Pursuant to Executive Order No. 66 (1978), N.J.A.C. 7:27A expires on November 9, 2004.

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These rules establish the penalties that apply to violations of the rules governing air pollution control and prohibition in New Jersey. As required by the Executive Order, the Department has reviewed N.J.A.C. 7:27A and determined that it continues to be necessary, reasonable and proper for the purposes it was originally promulgated to serve. The Department proposes to readopt N.J.A.C. 7:27A with amendments that will correct omissions and inaccuracies in cross references. The Department is also proposing to amend the rules to identify violations of the Air Pollution Control Act rules (which are set forth at N.J.A.C. 7:27) as either minor or non-minor for the purpose of providing grace periods in accordance with N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law. The proposed amended rules set forth how the Department will respond to any violation identified as minor. The readoption of N.J.A.C. 7:27A is necessary to ensure continued enforcement of the New Jersey Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the Act), and the Federal Clean Air Act, 42 U.S.C. 7401 et seq.

N.J.A.C. 7:27A-1 and 2 are reserved.

N.J.A.C. 7:27A-3 contains procedural rules for the assessment, payment, and appeal of civil administrative penalties, as well as rules setting forth the penalties for specific air pollution violations.

N.J.A.C. 7:27A-3.1 describes the scope and purpose of subchapter 3. N.J.A.C. 7:27A-3.2 defines terms used throughout the subchapter. N.J.A.C. 7:27A-3.3 describes the Department's process for assessing penalties for violations of the Act, and identifies when payment of a penalty is due.

N.J.A.C. 7:27A-3.4 sets forth the procedures for requesting and conducting an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment.

N.J.A.C. 7:27A-3.5 identifies in general terms how the Department determines civil administrative penalties for air pollution violations and sets forth the range and limit of such penalties. The section also sets forth the factors that the Department may consider in determining the penalties

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for air pollution violations.

N.J.A.C. 7:27A-3.6 establishes civil administrative penalties for submitting inaccurate or false information in any application, registration, record or other document that is required to be maintained or submitted under the air program rules.

N.J.A.C. 7:27A-3.7 establishes civil administrative penalties for failure to allow lawful entry and inspection. N.J.A.C. 7:27A-3.8 establishes civil administrative penalties for failure to pay a fee when due.

N.J.A.C. 7:27A-3.9 establishes civil administrative penalties for the failure to submit or the failure to maintain records of any smoke, emission or stack data, or any test data, or any other record or information required by the Department.

N.J.A.C. 7:27A-3.10 establishes civil administrative penalties for violations of rules adopted under the Act identifies, by subchapter and provision of N.J.A.C. 7:27, the civil administrative penalty amount that the Department may assess for each offense, and, as proposed to be amended, the grace period, if any, that will apply to each violation. Penalty amounts depend on the frequency of the offense; in some cases, the amount of actual emissions; the percent exceedance of the allowable emissions; the type of source; and the nature of the air contaminant emitted. N.J.A.C. 7:27A-3.10 also establishes the Department's authority to revoke a violator's variance or certificate to operate. The Department's proposed amendments to N.J.A.C. 7:27A-3.10 are discussed below.

N.J.A.C. 7:27A-3.11 establishes the maximum civil administrative penalties for failure to notify the Department of releases of air contaminants in violation of N.J.S.A. 26:2C-19(e).

N.J.A.C. 7:27A-3.12 provides that the Department may assess a penalty equal to the economic benefit that the violator has realized as a result of not complying with or by delaying compliance with the requirements of the Act, or any rule, administrative order, operating certificate or permit issued

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thereunder. This economic benefit penalty assessment may be levied in addition to the civil administrative penalty levied for the violation, subject to specified limits.

Proposed Grace Period Amendments

On December 22, 1995, the Legislature enacted the Grace Period Law, N.J.S.A. 13:1D-125 et seq., which requires the establishment of procedures to ensure the consistent application of grace (compliance) periods for minor violations of certain environmental statutes. Pursuant to that law, the Department is required to designate, through rulemaking, certain types of violations of rules contained in sixteen environmental statutes as minor or non-minor violations. Under the Grace Period Law, any person responsible for a minor violation is afforded a period of time by the Department to correct the violation. This period of time is known as a grace period. If the minor violation is corrected as required, then the Department will not assess a penalty. In those cases where a violation is not corrected within the grace period, the Department may pursue enforcement action in accordance with its statutory authority including, but not limited to, the assessment of penalties as may be appropriate within the exercise of the Department's traditional, judicially recognized enforcement discretion.

The law does not affect the Department's enforcement authority, including the exercise of enforcement discretion to treat a violation as minor. In those situations where a violation is labeled as minor in these amended rules, but in fact the specific violation as it occurred does not fulfill all the statutory requirements for a minor violation (N.J.S.A. 13:1D-129(b)), the Department reserves its discretion to treat the violation as non-minor.

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In designating, through rulemaking, types or categories of violations as minor, the Department must apply the criteria set forth in the law at N.J.S.A. 13:1D-129(b). These criteria are as follows:

(1) The violation is not the result of the 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;

(5) In the case of a permit violation, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a 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 for the violation has not been identified in a previous enforcement action by the Department or a 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

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(8) The activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department.

The Grace Period Law also requires the Department to establish the length of the grace period, which may be no fewer than 30 days or more than 90 days (unless extended), based upon the nature and extent of the minor violation and a reasonable estimate of the time necessary to achieve compliance. The Department may establish a special class of minor violations that, for public health and safety reasons, must be corrected within a period of fewer than 30 days.

Of the criteria established by the Grace Period Law, only criteria (2), (3) and (8), as listed above, may pertain to all violations of a particular regulatory requirement. Therefore, the Department determined that violations that pose minimal risk to public health, safety, and the environment; do not undermine or impair the goals of the program; and can be corrected within a time period of up to 30 days would be designated as minor.

The additional statutory criteria identified above as (1), (4), (5), (6) and (7), regarding respectively, the intent of the violator, the duration of the violation and whether it is a repeat offense are fact-specific for each violation and can be applied only on a case-by-case basis. Thus, each violation listed at N.J.A.C. 7:27A that is identified as minor will be eligible for a grace period only if it meets the additional criteria as discussed below.

In order to obtain assistance in the development of these regulations, the Department initiated an informal process to discuss and receive input from interested parties. As part of this process, it developed a discussion document setting forth a proposed list of minor and non-minor violations for the Air Program and conducted a series of workshops to provide an opportunity for interested parties to discuss the proposed list and provide comments and raise issues. The

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Department conducted workshops on November 22, 1996, and April 23, 1997, to discuss the application of the Grace Period Law to the Air Program. The Department thereafter prepared a draft discussion document that included a draft of the proposed changes to N.J.A.C. 7:27A-3.1, Air Administrative Procedures and Penalties, and provided it to interested parties. Stakeholder meetings were held on April 21 and 28, 2004, to provide an additional opportunity for interested parties to discuss the proposed changes and provide comments and raise issues. These proposed amendments, which identify minor and non-minor violations of N.J.A.C. 7:27 and provide the terms and conditions by which a grace period shall be afforded, reflect the Department's consideration of the input obtained at those workshops and stakeholder meetings.

7:27A-3.2 Definitions

The Department is proposing to add a definition of "grace period." A grace period is the period of time afforded under the Grace Period Law for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

The Department is proposing to add a definition of "emission increase," which refers to a release of certain types or amounts of air contaminants above what is allowed by a permit or regulation or which may be caused by a malfunction of a piece of equipment or a pollution control device. Because the rules at N.J.A.C. 7:27 and 7:27A are intended to control air pollution, and the release of air contaminants contribute to that pollution, an emission increase violates the purpose of the rules. Accordingly, the Department will not consider as minor for purposes of a grace period any violation of N.J.A.C. 7:27 that results in an emission increase.

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N.J.A.C 7:27A-3.6, 3.7, and 3.8

N.J.A.C. 7:27A-3.6, 3.7, and 3.8 set forth the procedures and penalties for submitting inaccurate or false information to the Department, for failure to allow the Department lawful entry and inspection, and for failure to pay a fee when due to the Department. The Department is proposing to amend N.J.A.C. 7:27A-3.6, 3.7, and 3.8 to indicate that violations under the sections are non-minor; accordingly, the violations will not be subject to a grace period. A violation of any of the provisions of these sections prevents the Department from determining compliance with the Act and would materially or substantially undermine or impair the goals of the air program, making the violations ineligible for a grace period under N.J.S.A. 13:1D-129(b)3.

N.J.A.C 7:27A-3.9(c)1, 2, & 3

The Department is proposing to amend N.J.A.C. 7:27A-3.9(c) to incorporate a grace period for minor violations. Existing N.J.A.C. 7:27A-3.9(c) includes penalty assessments for failure to maintain records and failure to submit records pertaining to smoke, opacity, or emission data, or stack test data, or any other records required by the Act, or any rule promulgated, or any administrative order, permit, license or other operating authority issued, pursuant to the Act. For records that are required by rule or by a permit, where the penalty matrix includes the specific provision of the violation, the penalty matrix at N.J.A.C. 7:27A-3.10 rather than N.J.A.C. 7:27A-3.9 will be used for penalty determination. If the failure to maintain records is the result of failure to comply with any administrative order, or is other than a violation of a specific provision of N.J.A.C. 7:27, N.J.A.C. 7:27A-3.9 will apply.

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The underlying rules for the penalty matrix, N.J.A.C. 7:27, or a permit issued pursuant to the underlying rules, usually require a facility to keep its records in a particular format, and to make its records readily available to the Department. Non-submittal of records is a purely administrative requirement; therefore, it is appropriate under the Grace Period Law for the Department to allow a grace period for non-submittal of records. Where a facility fails to maintain records as required by N.J.A.C. 7:27 or a permit issued under the Act, the facility may have, as part of its production, purchase, and inventory records, adequate data to generate the required records within 30 days. In such a case, the violation to maintain the records would be primarily administrative in nature, therefore it is appropriate under the Grace Period Law for the Department to allow a grace period for maintaining of records.

However, in some cases, the facility has no data, or insufficient data available and is unable to produce the records required. Without records, the facility is unable to demonstrate compliance with the underlying rule for which the records were required. In such a case, the facility may have had emission-related violations during the time period that the required records would have covered; however, the Department cannot determine whether or not there were emissions violations because the records are not available. This fails to meet one of the statutory requirements for being a minor violation, specifically the requirement of N.J.S.A. 13:1D-129b(3), that the violation does not materially and substantially undermine or impair the goals of the regulatory program. Therefore, if the person responsible for maintaining records or submitting records has been allowed a grace period, but fails to produce and submit the records for the time period that the required records would have covered within the allowed grace period, the Department or a local government agency may, in accordance with the provisions of the Act or this chapter, impose a penalty that is retroactive to the

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date the violation first occurred.

N.J.A.C 7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act

Penalties for violations of the Act rules are set forth in tables at N.J.A.C. 7:27A-3.10(m) and (n). The tables contain penalty matrices setting forth the citation, a summary describing the violation and penalties for the first, second, third, fourth and each subsequent offense. The proposed amendments add an additional column entitled “Type of Violation” to the penalty matrices. The “Type of Violation” column includes one of two different designations, depending on whether the violation is minor (“M”) or non-minor (“NM”). A violation of the specific provision identified in the penalty matrix as minor would be subject to a grace period, provided that the violation meets the criteria of N.J.S.A. 13:1D-129b(1), (4) or (5), which are set forth in proposed new N.J.A.C. 7:27-3.10(s).

In applying the statutory criteria to the penalty matrix, the Department has determined that violations that are purely administrative, including the maintenance of records (provided the records can be produced within the grace period) are minor. Violations that may result in an emission increase and, therefore, be potentially detrimental to the environment are non-minor. A grace period is not appropriate for any violation that results in an emission increase, as that term is proposed to be defined (discussed above). The air quality in New Jersey is designated as “severe” non-attainment for ozone by the United States Environmental Protection Agency (USEPA). Volatile organic compounds and nitrogen oxides are precursors of ozone. New Jersey is also a state with a high population density, and with many sources of air pollutants, including toxic air pollutants. Any increase in any air contaminant is potentially detrimental to the air quality of New

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Jersey and may “materially and substantially undermine or impair the goals of the regulatory program” or pose more than “minimal risk to the public health, safety and natural resources.” Therefore, violations that may have resulted in an emission increase are designated non-minor violations and are not subject to a grace period.

Proposed new N.J.A.C. 7:27A-3.10(q) and (r) identify whether a violation could be considered a minor or non-minor violation. Proposed new N.J.A.C. 7:27A-3.10(s) identifies the general criteria for a violation to be considered a minor violation. The statutory criteria of N.J.S.A. 13:1D-129 were discussed earlier in the Summary. Proposed new N.J.A.C. 7:27A-3.10(t)1 requires the Department or local government agency to issue a notice of violation to the person responsible for the violation identifying the violation, the statutory or other provision violated, and the length of the grace period. The notice is necessary in order that the person responsible may take advantage of the grace period.

If the person responsible demonstrates that he or she has corrected the violation within the applicable grace period, then proposed new N.J.A.C. 7:27A-3.10(t)2 provides that no penalty will be assessed for the violation. Moreover, the violation will not be considered an “offense” for purposes of the penalty matrix, which increases the applicable penalty based upon the number of previous offenses (violations of the same provision) the responsible person has committed.

The Department proposes new N.J.A.C. 7:27A-3.10(t)3 in order that it can verify that the person responsible for a minor violation has taken appropriate measures to achieve compliance within the grace period. The responsible person must submit, in writing and certified in accordance with N.J.A.C. 7:27-1.39, information detailing the corrective action taken or compliance achieved. The Department may perform an investigation to determine that the information submitted is accurate and that compliance has been achieved. Under proposed new N.J.A.C. 7:27A-3.10(t)4,

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if a person responsible for a minor violation seeks additional time beyond the specified grace period to achieve compliance, the Department or local government agency issuing the notice of violation may extend the grace period for up to an additional 90 days. In order to obtain an extension, the person responsible for a violation must submit a written request for an extension to the Department or the local government agency at least one week prior to the expiration of the initial 30 day grace period and explain why additional time is needed. The request must be certified in accordance with N.J.A.C. 7:27-1.39, to the Department or the local government agency. The Department may, at its discretion, issue a written extension to the grace period specified in the notice of violation. No more than 90 additional days extension may be granted, in accordance with the statute (see N.J.S.A 13:1D-127(b)).

As set forth at proposed N.J.A.C. 7:27A-3.10(t)4, in exercising its discretion to approve a request for an extension, the Department will consider whether the violator has taken reasonable measures to achieve compliance in a timely manner, whether the delay has been caused by circumstances beyond the control of the violator, whether the delay will pose a risk to the public health, safety and natural resources, and whether the delay will materially or substantially undermine or impair the goals of the regulatory program. The Department will consider only one request for an extension of the grace period specified in a notice of violation. (See proposed N.J.A.C. 7:27A-3.10(t)6.)

If the person responsible for the violation fails to demonstrate to the Department or a local government agency that compliance has been achieved within the period of time specified in the notice of violation or any approved extension of the grace period, then under proposed new N.J.A.C. 7:27A-3.10(t)5 the Department or a local government agency can impose a penalty retroactive to the date the notice of violation was first issued.

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Administrative Corrections

There are several administrative errors that the Department has identified in the penalty matrix at N.J.A.C. 7:27A-3.10(m). As the rules in N.J.A.C. 7:27 have been amended over time, the corresponding provisions of the penalty matrix at N.J.A.C. 7:27A-3.10(m) should also have been amended. The Department proposes to correct citation errors in the penalty matrix in order to ensure the penalty matrix corresponds correctly with the rules cited in the violations. The Department proposes to change the following citations to correct the cross reference to the underlying rules: N.J.A.C. 7:27-8.4(f)1, 8.4(f)3, 8.4(f)4, 8.4(f)5, 8.4(f)6, 8.4(n), 16.3(d), 16.3(i)1, 16.3(i)2, 16.3(i)3, 16.3(l), 16.3(o)1, 16.3(o)2, 16.3(o)3, 16.3(p), 16.17(c).

The Department proposes to re-order the following citations to match the order of the underlying rules: N.J.A.C. 7:27-16.3(m), 16.3(n)1, 16.3(n)2.

The Department proposes to correct typographical errors in the following cross references in N.J.A.C. 7:27A-3.10(m): N.J.A.C. 7:27-5.2(a), 22.39(a), 22.14(d),

The following citations are proposed to be deleted from the penalty matrix because they are obsolete: N.J.A.C. 7:27-8.4(f), 16.17(n), 16.25(h), 16.25(l), 24.4(m), 25.3(b).

The Department proposes to remove duplicate references to N.J.A.C. 7:27-16.17(b)1 through N.J.A.C. 7:27-16.17(n) which appear after N.J.A.C. 7:27-16.20(a).

The Department proposes to correct the spelling of “Ringelmann” in the footnotes to the penalty matrix.

New Penalty Provisions

During a recent amendment to N.J.A.C. 7:27-16 (See 34 N.J.R. 2489(a) and 35 N.J.R. 2509(a)), a civil administrative penalty was not included for N.J.A.C. 7:27-16.3(e) or (q). N.J.A.C.

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7:27-16.3(e) requires the equipment used for capturing VOC vapors when transferring gasoline into a motor vehicle (commonly known as Stage II), and all of its components, to be kept in good operating condition. N.J.A.C. 7:27-16.3(q) requires the transfer of gasoline at a gasoline loading facility, into or from a delivery vessel, or at a gasoline dispensing facility, to have a vapor control system. Failure to comply with N.J.A.C. 7:27-16.3(e) or (q) would result in excess VOC emissions from the transfer of gasoline. The Department is proposing identical penalties for a violation of N.J.A.C. 7:27-16.3(e) and (q) as existed for these violations prior to the recent amendments. Since violations of N.J.A.C. 7:27-16.3(e) and (q) would result in an increase in emissions of volatile organic substances, these violations are non-minor and therefore not subject to a grace period.

Existing N.J.A.C. 7:27-20 sets forth limitations on the combustion of waste oil. The Department promulgated N.J.A.C. 7:27-20 in 2000; however, it proposed no corresponding changes to N.J.A.C. 7:27-27A. The Department now proposes civil administrative penalties for violations of the subchapter, because used oil combustion causes hazardous air pollution.

Because violations of N.J.A.C. 7:27-20.2 are similar to violations of preconstruction permits, the Department proposes to amend N.J.A.C. 7:27A-3.10(m)20 to include penalties for violations of N.J.A.C. 7:27-20.2 that are comparable to the penalties associated with N.J.A.C. 7:27-8.3(e).

Combustion of waste oil, especially if the waste oil contains hazardous material, may result in emissions that are unhealthy to the public. The hazard is particularly severe if the waste oil is burned in close proximity to people. N.J.A.C. 7:27-20.2(a) prohibits use of waste oil except as allowed by N.J.A.C. 7:27-20. N.J.A.C. 7:27-20.2(e) prohibits use of waste oil in areas near sensitive populations. Accordingly, the Department proposes penalties for violations of N.J.A.C. 7:27-20.2(a) and (e) that are comparable to the penalties associated with N.J.A.C. 7:27-8.3(e), Class

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5 for hazardous air pollutants (HAPs), and toxic substance (TXS) regulated at N.J.A.C. 7:27-17.3.

Due to the possible hazardous nature of waste oil, even if it is combusted in a safe manner or in small amounts, combustion may result in a greater risk than the smallest sources of air pollution regulated by N.J.A.C. 7:27. Therefore, the Department proposes to amend N.J.A.C. 7:27A-3.10(m)20 to include penalties for violations of N.J.A.C. 7:27-20.2(b) that are comparable to N.J.A.C. 7:27-8.3(e), Class 2, which are for permit violations that represent a greater risk than the smallest sources of air pollution regulated by N.J.A.C. 7:27.

Selling waste oil, which the Department regulates at N.J.A.C. 7:27-20.2(c), could involve a much larger volume and affect a much larger population; therefore, the Department is proposing penalties at N.J.A.C. 7:27A-3.10(m)20 that are comparable to N.J.A.C. 7:27-8.3(e), Class 4, which are for permit violations that represent a risk posed by large sources of air pollution regulated by N.J.A.C. 7:27.

N.J.A.C. 7:27-20.2(d) prohibits combustion of waste oil without registration or permit required under N.J.A.C. 7:27-20. This is similar to operating without a permit to construct or certificate to operate; therefore, the Department proposes to amend N.J.A.C. 7:27A-3.10(m)20 to include penalties that parallel violations of N.J.A.C. 7:27-8.3(a) and (b), which prohibit operating equipment without an appropriate permit. Due to the low emissions from equipment requiring only a registration, rather than a permit, the Department proposes penalties consistent with Class 1 for N.J.A.C. 7:27-8.3(a) for waste oil combustion up to 500,000 BTU/hr, and Class 2 for N.J.A.C. 7:27-8.3(a) for waste oil combustion over 500,000 BTU/hr.

Due to the possible health risk from improper combustion of waste oil, the Department has designated violations of N.J.A.C. 7:27-20 as non-minor, and therefore not subject to a grace period.

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Social Impact

The Air Administrative Procedures and Penalties rules at N.J.A.C. 7:27A, as proposed to be readopted with amendments, will continue to encourage compliance and discourage noncompliance with the State's air pollution control laws and regulations, associated rules, administrative orders, permits, licenses and other operating authorities issued by the Department. The Air Administrative Procedures and Penalties rules will also continue to provide a positive social impact by outlining specific procedures for the enforcement of air pollution rules. Failure to readopt these procedure and penalty rules would result in a State air pollution control program with no regulatory enforcement mechanism.

The general public health will benefit from the continued improvement in the air quality that will result from compliance by facilities with emission standards and other permit requirements. The rules proposed for readoption will also enable the Department to comply with the Federal Clean Air Act regulations, which require each state to have an air pollution control program with an adequate enforcement mechanism. Failure to meet minimum Federal requirements will result in costly sanctions, including cessation of Federal highway funding in New Jersey. By continuing to encourage compliance with the Department's air pollution control program, the rules proposed for readoption will also enable the Department to meet Federally-mandated emission reduction commitments set forth in the existing New Jersey State Implementation Plan (SIP). Failure to meet the SIP requirements would result in Federal sanctions with significant negative impact on the State.

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These rules proposed for readoption, with the proposed amendments and correction of errors and omissions, will continue to allow the Department to address air pollution in a manner that protects public health, safety and welfare

The Department anticipates that the proposed grace period amendments to N.J.A.C. 7:27A-3 will help encourage a greater sense of cooperation between the Department and the regulated community. By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed amendments will encourage the regulated community to take positive action toward achieving compliance.

Economic Impact

The proposed readoption of N.J.A.C. 7:27A with amendments will have no economic impact on persons who comply with the air pollution control rules. For violators, the economic impact of the rules proposed for readoption with amendments will vary according to the severity of the air pollution exceedance or other violation. Penalty amounts contained in the rules proposed for readoption with amendments are the same as in the existing rules, with the exception of the proposed new penalties for violation of N.J.A.C. 7:27-20, relating to used oil. The proposed penalties for violations of N.J.A.C. 7:27-20 are comparable to violations of similar provisions elsewhere in N.J.A.C. 7:27.

If the Department does not maintain an effective compliance program, the State will not realize the air quality improvements required under the Federal Clean Air Act. Failure to comply with the Federal Clean Air Act could result in Federally-imposed additional regulatory programs to meet air quality standards. Such programs would likely have significant and costly impact on the residents of the State as well as regulated community. Also, as set forth in the Social Impact,

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above, failure to meet minimum Federal requirements may result in costly sanctions, including some cessation of Federal highway funding in New Jersey. A reduction in Federal highway funding in this State could, in turn, result in a financial impact on the people of New Jersey.

The proposed grace period rules will have little economic impact on the regulated community, inasmuch as the rules formalize the Department's existing policy with regard to allowing an opportunity for correction of minor violations. To the extent that the proposed amended rules formally classify violations as minor for which the Department has not previously provided a grace period, the regulated community will realize an economic benefit. No longer will the facility be subject to immediate penalty, but instead the facility will have between 30 and 90 days to achieve compliance, without being assessed a penalty.

The Department has been collecting approximately three million to five million dollars a year in penalties, while issuing about 200 to 300 notices of violation eligible for a grace period under the Department's existing policy. If all of the notices of violation had contained a penalty assessed in accordance with N.J.A.C. 7:27A instead of a grace period, the additional penalties assessed would be approximately \$100,000.

Environmental Impact

The proposed readoption of N.J.A.C. 7:27A with amendments is anticipated to continue the improvement of the air quality in New Jersey by continuing the economic incentive to the regulated community to comply with the Act, and the rules adopted under the Act. The proposed readopted rules have had and will continue to have a positive environmental impact by providing for the regulation of air pollution, and the management of facilities subject to the air pollution regulations. The penalty provisions will continue to provide a deterrent to those who would violate the

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regulatory requirements. The control of air pollution will protect the environment and the health, welfare, and the property of New Jersey residents.

The proposed grace period provisions would allow a violator an opportunity to correct certain violations within the time provided and thereby avoid a penalty. The Department therefore anticipates that these rules will encourage the regulated community to correct certain types of violations in a timely manner. Prompt correction will reduce the potential risk these minor violations may have created and will, therefore, result in an additional positive environmental impact.

Federal Standards Analysis

P.L. 1995, c.65 and Executive Order No. 27 (1994) require State agencies that adopt, readopt, or amend any rule or regulation, to provide a comparison with Federal law, and to provide further discussion and analysis (including cost-benefit analysis) if the standards or requirements imposed by the agency exceed standards or requirements imposed by Federal law. Pursuant to the Federal Clean Air Act, the USEPA is authorized to issue administrative orders assessing penalties for violations of state implementation plans approved under the Federal Clean Air Act or whenever any person constructs, modifies or operates a major stationary source in an area that is not in compliance with the new source provisions. These penalties can be assessed in an amount up to \$25,000 per day per violation. The total for such penalties is limited to \$200,000 in any particular case unless the USEPA administrator and Attorney General jointly determine that a total penalty amount of greater than \$200,000 or a period of violation greater than one year is appropriate.

Pursuant to the provisions (42 U.S.C. §7410) of the Federal Clean Air Act, each state is required, within three years after the promulgation or revision of a national primary or secondary ambient air standard, to develop a state implementation plan (SIP) which provides for the

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implementation, maintenance and enforcement of such standards in each quality control region.

The purpose of the SIP is to have the states bring the noncompliant area into compliance with ambient air quality levels to protect the public health and welfare. The enforcement provisions contained in N.J.A.C. 7:27A were promulgated and are proposed here for re-adoption with amendments in order to comply with the SIP requirements of the Federal Clean Air Act as well as to provide an enforcement mechanism for the implementation of the State Air Pollution Control Program.

Penalties established and assessed by the Department pursuant to this chapter are in accordance with the Act, specifically 26:2C-19. Pursuant to State law, penalties may be assessed in an amount not more than \$10,000 for a first violation, no more than \$25,000 for a second violation and not more than \$50,000 for the third and subsequent violations. If the violation is of a continuing nature, each day during which the violation continues or each day in which the violation is not paid in full, constitutes an additional, separate and distinct offense. See N.J.S.A. 26:2C-19d. Consequently, where a violation has occurred, a violator may be liable for a penalty as set forth by State law and it is possible that such a penalty may potentially exceed that which would be assessed by USEPA.

The Department believes that the penalties are necessary and reasonable in order to implement the SIP as provided by Federal law and to implement its air pollution control program generally. It is submitted that the Federal penalty structure is intended to be more general in nature and is not designed necessarily to fully address the various conditions that may exist in each state or region within the nation. The Federal regulatory scheme recognizes this and provides that the SIP requirements established by Federal law are minimum requirements; a SIP may be more stringent than Federal law. The State of New Jersey, which is densely populated and highly industrialized, continues to have to deal with issues of noncompliance with certain National Ambient Air Quality

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Standards. Readoption of the current penalty structure will continue to encourage compliance and discourage noncompliance with the state's air pollution control law and regulations and the Federal Clean Air Act requirements, including the State's Federally mandated emission reduction commitments set forth in the existing SIP.

The law is specific in providing for three ranges of penalties. The Department believes that the law provides for "up to" \$10,000, \$25,000 and \$50,000 for first, second and subsequent violations, so that it could develop a graduated penalty system with each penalty reasonably calculated to provide a meaningful deterrent. Working within the requirements of its enabling legislation, the Department has developed penalties which are consistent with statutory requirements and which are comparable to each violation or type of violation. Penalties have been established by the Department based not only upon the frequency of the offense, but also upon the nature of the violation. In some cases, the established penalty is as low as \$100.00; in others, because of the nature of the violations and possible risk to health and property, the need for detriment require that the amount be equal to the statutory limit.

The Department may also adjust a penalty in accordance with the following:

1. Compliance history of the violator;
2. The number of times and the frequency with which the violation has occurred;
3. The severity of the violation;
4. The nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violations for which the penalty has been assessed;
5. The nature, timing and effectiveness of any measures taken to prevent future similar violation, and the extent to which such measures are in addition to those required under applicable State statute or rule;
6. Any other mitigating, extenuating or aggravating circumstances.

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(See N.J.A.C. 7:27A-3.5(d) and (e).)

The Department may also treat certain violations as first violations (for which a lower penalty may apply) under certain circumstances. (See N.J.A.C. 7:27A-3.5(f), (g), and (h).)

It should be noted that no violator will be subject to both State and Federal penalty liability for the same violation.

The Department has conducted an analysis of the grace period provisions in the proposed rules and has determined that the grace period provisions do not exceed any standard or requirement imposed by Federal law. The grace period provisions in the proposed rules are consistent with Federal law and Federal penalty assessment guidance. Accordingly, no Federal Standard Analysis is required with regard to the amendment of the rules to include a grace period.

Jobs Impact

The rules proposed for readoption with amendments will not result in either the generation or loss of jobs within the State. No facility will incur any costs unless it commits a violation that results in a penalty assessment.

Agriculture Industry Impact

In accordance with P.L. 1998, c. 48, an act amending the Right to Farm Act, the Department has reviewed this proposed readoption of N.J.A.C. 7:27A-3 with amendments and determined that it will have little or no impact upon the Agriculture Industry. If there is any effect at all upon members of the agricultural industry, it is anticipated that such effect will be to afford those

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members the same opportunity as others to correct certain types of violations in a manner as provided by the rule and thereby avoid a possible penalty assessment.

Upon review of the rules and the standards and requirements for which penalties are established by this chapter, the Department has determined that the only agriculturally related activity which may come under the purview of any such standards are those applicable to open burning. (See N.J.A.C. 7:27-2.) Therefore, anyone engaged in an agricultural activity who performs open burning without a permit, or who violates the terms of an open burning permit, may incur a penalty.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are defined as those that are independently owned and operated, not dominant in their field and that employ fewer than 100 full time employees. The rules proposed for re-adoption with amendments impose no reporting or recordkeeping requirements. Small businesses will incur the penalties established under these rules only if they are determined to be in violation of N.J.A.C. 7:27. The information submission requirements and deadline for requesting an adjudicatory hearing to contest a penalty apply to all noticed for violations. Requesters will incur the administrative costs of preparing and submitting the request, and may employ legal representation. Lower penalties may be assessed for certain violations at sources with lower allowable emission limits, thereby reducing the financial impact on small businesses due to penalties. Lesser requirements or exceptions, or grace periods, are not provided based upon business size, thereby ensuring a fair, efficient and effective penalty scheme.

Smart Growth Impact

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State

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Development and Redevelopment Plan (State Plan). The Department has evaluated this rulemaking to determine the nature and extent of the proposed rules' impact on smart growth and the implementation of the State Plan. The rules proposed for re-adoption with amendments do not involve land use policies or infrastructure development and, therefore, do not impact the achievement of smart growth or implementation of the State Plan.

Since the rules proposed for re-adoption with amendments will encourage protection of air quality, the rules support the conservation and environmental protection goals and policies underlying the State Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

Subchapter 3. Civil Administrative Penalties and Requests for Adjudicatory Hearings

7:27A-3.2 Definitions

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise. Unless otherwise specified below, all words and terms are as defined in N.J.S.A. 26:2C-2 and in N.J.A.C. 7:27.

...

“Emission increase” means a release of an air contaminant not listed in a permit; a release of an air contaminant above the limit set forth in the applicable permit; a release of an air contaminant above the limit in any State or Federal law, or any rule promulgated, or

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administrative order, operating certificate, registration requirement or permit issued pursuant thereto; or a release of an air contaminant that may have been caused by a malfunction of a piece of equipment or a pollution control device regulated by State or Federal law, or any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto.

...

"Grace period" means the period of time afforded under N.J.S.A. 13:1D-125 et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation.

...

7:27A-3.6 Civil administrative penalty for submitting inaccurate or false information

(a)-(d) (No Change.)

(e) A violation under this section is non-minor and therefore not subject to a grace period.

7:27A-3.7 Civil administrative penalty for failure to allow lawful entry and inspection

(a)-(d) (No Change.)

(e) A violation under this section is non-minor and therefore not subject to a grace period.

7:27A-3.8 Civil administrative penalty for failure to pay a fee

(a)-(e)(No Change.)

(f) A violation under this section is non-minor and therefore not subject to a grace period.

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7:27A-3.9 Civil administrative penalty for failure to provide information or test data or to maintain a permanent record of information or test data

(a)-(b) (No Change)

(c) Except as provided in N.J.A.C. 7:27A-3.10, the amount of the civil administrative penalty for offenses described in this section shall be [as follows:] **as provided at (c)1 through 3 below.**

The grace period for these minor violations, if applicable in accordance with N.J.A.C. 7:27A-3.10(q) through (t), is 30 days.

1. For the nonsubmittal of or the failure to maintain records of any smoke, opacity or emission data:
 - i. \$2,000 for the first offense;
 - ii. \$4,000 for the second offense;
 - iii. \$10,000 for the third offense; and
 - iv. \$30,000 for the fourth and each subsequent offense.

2. For the nonsubmittal of or the failure to maintain records of any stack or test data not included in (c)1 above:
 - i. \$1,000 for the first offense;

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- ii. \$2,000 for the second offense;
 - iii. \$5,000 for the third offense; and
 - iv. \$15,000 for the fourth and each subsequent offense.
3. For the nonsubmittal of or the failure to maintain any records or information not included in (c)1 or 2 above:
- i. \$500 for the first offense;
 - ii. \$1,000 for the second offense;
 - iii. \$2,500 for the third offense; and
 - iv. \$7,500 for the fourth and each subsequent offense.

(d) (No Change)

7:27A-3.10 Civil administrative penalties for violation of rules adopted pursuant to the Act

(a)-(l) (No Change)

(m) The violations of N.J.A.C. 7:27, whether the violation is minor or non-minor in accordance with (q) through (t) below, and the civil administrative penalty amounts for each violation are as

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set forth in the following Civil Administrative Penalty Schedule. The numbers of the following subsections correspond to the numbers of the corresponding subchapter in N.J.A.C. 7:27. The rule summaries for the requirements set forth in the Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

CIVIL ADMINISTRATIVE PENALTY SCHEDULE

1. (Reserved)
2. The violations of N.J.A.C. 7:27-2, Control and Prohibition of Open Burning, and the civil administrative penalty amounts for each violation are as set forth in the following table:

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-2.2	Small scale (up to 55 gallon drum or equivalent)	<u>NM</u>	\$300	\$600	\$1,500	\$4,500
	Large Scale	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
	Material containing pesticides, dangerous materials and solvents	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-2.3(a)	Small scale (up to 55 gallon drum or equivalent)	<u>NM</u>	\$200	\$400	\$1,000	\$3,000
	Large scale	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
	Material containing pesticides, dangerous materials and solvents	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-2.3(b)	Residential	<u>NM</u>	\$100	\$200	\$500	\$1,500
	Commercial	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.3(c)	Residential	<u>NM</u>	\$100	\$200	\$500	\$1,500
	Commercial	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.4	Not acting in accordance with	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	permit					

3. The violations of N.J.A.C. 7:27-3, Control and Prohibition of Smoke from Combustion of Fuel, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-3.2	Boiler capacity less than 200 x 10 ⁶ BTU	<u>NM</u>	\$300 ¹	\$600 ¹	\$1,500 ¹	\$4,500 ¹
	Boiler capacity 200 x 10 ⁶ BTU or greater	<u>NM</u>	\$1,000 ²	\$2,000 ²	\$5,000 ²	\$15,000 ²
N.J.A.C. 7:27-3.3	Marine Installations	<u>NM</u>	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.4	Mobile Sources	<u>NM</u>	\$400	\$800	\$2,000	\$6,000
N.J.A.C. 7:27-3.5	Stationary Engines	<u>NM</u>	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.6	Facilities and Equipment	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000
	Records	<u>M</u>	\$400	\$800	\$2,000	\$6,000
¹ Double Penalty If Over One [Ringlemann] <u>Ringelmann</u> or 20% Opacity ² Double Penalty If Over Two [Ringlemann] <u>Ringelmann</u> or 40% Opacity						

4. The violations of N.J.A.C. 7:27-4, Control and Prohibition of Particles from the Combustion of Fuel, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-4.2					

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CLASS						
Maximum Actual Emissions						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³	
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³	
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³	
From 10 pounds through 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³	
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³	
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³	
For greater than 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³	
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³	
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³	
Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-4.4	Sampling & Testing Facilities	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
	Operation	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000

5. The violations of N.J.A.C. 7:27-5, Prohibition of Air Pollution, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following tables:

	<u>Type of</u>				Fourth and
--	----------------	--	--	--	------------

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Citation	<u>Violation</u>	First Offense	Second Offense	Third Offense	Each Subsequent Offense
N.J.A.C. 7:27-5.2(a), the emission of air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property					
Maximum Penalty Per Violation	<u>NM</u>	\$10,000 ⁷	\$25,000 ⁷	\$50,000 ⁷	\$50,000 ⁷
The maximum penalty may be reduced by applying the following factors:					
(1) Remedial Measures Taken:					
(A) Immediate implementation of measures to effectively mitigate the effects of the violation:	15% Reduction from the maximum penalty				
(B) Implementation of measures that can reasonably be expected to prevent a recurrence of the same type of violation					
1. Full implementation	20% Reduction from the maximum penalty				
2. Partial implementation	10% Reduction from the maximum penalty				
(2) Magnitude of Problem					
(A) Population Affected					
Less than three complainants:	20% Reduction from the maximum penalty				
Three to five complainants:	15% Reduction from the maximum penalty				
Six to 10 complainants:	5% Reduction from the maximum penalty				
Greater than 10 complainants:	0% Reduction from the maximum penalty				
(B) Nature of Air Contaminant ⁹					
Particulates & other air contaminants:	15% Reduction from the maximum penalty				
VOC, NO _x or other criteria pollutant:	5% Reduction from the maximum penalty				
EHS, TXS or NESHAP:	0% Reduction from the maximum penalty				
(C) Amount of Air Contaminant Emitted in Any One Hour					

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
Less than 22.8 pounds:	15% Reduction from the maximum penalty				
22.8 pounds or greater:	0% Reduction from the maximum penalty				
(D) Area Covered (Air contaminant)					
Less than 1/2 square mile:	15% Reduction from the maximum penalty				
1/2 square mile or greater:	0% Reduction from the maximum penalty				
(E) Off-site Property Damage					
No:	15% Reduction from the maximum penalty				
Yes:	0% Reduction from the maximum penalty				
⁷	<p>For instance, for the first offense, if the violator takes remedial measures to mitigate the effects of the violation, the Department may reduce \$1,500 (15%) from the maximum penalty. Further, if the violator takes measures that can reasonably be expected to prevent a recurrence of the same type of violation, the Department may reduce an additional \$2,000 (20%) from the maximum penalty. Further, if there are less than three complainants related to the violation the Department may reduce an additional \$2,000 (20%) from the maximum penalty. Further, if an air contaminant emitted is not a VOC, NO_x, criteria pollutant, EHS, TXS, or NESHAP the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if the air contaminant emitted is less than 22.8 pounds in any one hour to the atmosphere the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if the air contaminant emitted into the atmosphere covers an area of less than 1/2 square mile, the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Further, if there is no off-site property damage from the air contaminant the Department may reduce an additional \$1,500 (15%) from the maximum penalty. Summing the total penalty reduction percentages results in a total reduction of 115%. However, an assessed penalty may not be reduced by more than 95% of the maximum penalty; therefore, the maximum reduction for the first offense penalty of \$10,000 would be \$9,500 resulting in an assessed penalty of \$500.00.</p>				
⁹	<p>VOC (N.J.A.C. 7:27-16) EHS (N.J.A.C. 7:31-1) NO_x (N.J.A.C. 7:27-19) Criteria pollutant (N.J.A.C. 7:27-13) TXS (N.J.A.C. 7:27-17) NESHAP (40 CFR 61)</p>				

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-5.2(a), the emission of air contaminants in such quantities and duration as would unreasonably interfere with the enjoyment of life or property and which are not, or do not tend to be, injurious to health or welfare, animal or plant life or property					

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Base Penalty per Violation	NM	\$1,000 ¹	\$2,000 ¹	\$5,000 ¹	\$15,000 ¹
i. The base penalty may be reduced or increased by applying the following factors, as applicable. The civil administrative penalty for each violation is calculated by summing the base penalty and the increase or decrease from the base penalty for each of the applicable factors in i(1) through (4) below.					
(1) Remedial Measures Taken					
(A) Immediate implementation of measures to effectively mitigate the effects of the violation:					15% Reduction from the base penalty
(B) [1] Implementation of measures that can reasonably be expected to prevent a recurrence of the same type of violation					
1. Full implementation					20% Reduction from the base penalty
2. Partial implementation					10% Reduction from the base penalty
(2) Population Affected					
(A) Three to five complainants:					10% increase to the base penalty
(B) Six to 10 complainants:					15% increase to the base penalty
(C) Greater than 10 complainants:					20% increase to the base penalty
(3) Nature of Air Contaminant ²					
(A) VOC, NO _x or other criteria pollutant:					15% increase to the base penalty
(B) EHS, TXS or NESHAP:					20% increase to the base penalty
(4) Compliance History					50 % reduction from the base penalty

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(A) Upon a showing by a violator within 14 calendar days of receipt of the notice of violation from the Department that, at the time of the pending violation:	
1. The violator was in full compliance with the terms and conditions of all Department permits and certificates related to the pending violation:	
2. The violator was in full compliance with all air pollution control permits and certificates for the facility where the violation is pending, except for the violation of N.J.A.C. 7:27-5.2(a) and N.J.A.C. 7:27-8.3(j); and	
3. The pending violation is the first violation of N.J.A.C. 7:27-5.2(a) for the facility within the five calendar years immediately preceding the date of the pending violation:	
<p>¹ For instance, for the first offense, if the violator takes immediate remedial measures to mitigate the violation, the Department may reduce \$150.00 (15%) from the base penalty. Further, if the violator takes measures that can reasonably be expected to prevent a recurrence of the same type of violation, the Department may reduce an additional \$200.00 (20%) from the base penalty. Further, if there are less than three complainants related to the violation there is no increase to or reduction from the base penalty. Further, if an air contaminant emitted is not a VOC, AAQS, EHS, TXS, or NESHAP there is no increase to or reduction from the base penalty. Further, if this is the first violation of N.J.A.C. 7:27-5.2(a) for the facility within five years immediately preceding the date of the pending violation and the violator can demonstrate that it was in full compliance with the terms and conditions in all Department permits and certificates related to the pending violation and with all air pollution control permits and certificates, the Department may reduce an additional \$500.00 (50%) from the base penalty. Therefore, the minimum assessed penalty for the first offense under this section would be \$150.00. In this example, all of the reductions were taken to the fullest extent to result in the minimum penalty.</p>	
<p>² VOC (N.J.A.C. 7:27-16) EHS (N.J.A.C. 7:31-1) NO_x (N.J.A.C. 7:27-19) Criteria pollutant (N.J.A.C. 7:27-13) TXS (N.J.A.C. 7:27-17) NESHAP (40 CFR 61)</p>	

6. The violations of N.J.A.C. 7:27-6, Control and Prohibition of Particles from Manufacturing Processes, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-6.2(a)					
CLASS					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
		<u>M</u>				

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N.J.A.C. 7:27-6.2(d)	All		\$500 ²	\$1,000 ²	\$2,500 ²	\$7,500 ²
N.J.A.C. 7:27-6.4	Monitoring	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
	Sampling and Testing Facilities	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-6.5(a)	Variance	<u>M</u>	\$2,000 ⁸	\$4,000 ⁸	\$10,000 ⁸	\$30,000 ⁸
² Double Penalty If Over Two [Ringlemann] Ringelmann or 40% Opacity						
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						
⁸ Revoke Variance Under N.J.A.C. 7:27-6.5						

7. The violations of N.J.A.C. 7:27-7, Control and Prohibition of Air Pollution from Sulfur Compounds, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-7.2(a)					
CLASS					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>MN</u>	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴

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standard					
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-7.2(d), (h) and (j)	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
	Monitoring	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-7.2(n)	Sampling and Testing Facilities	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
⁴ Per Air Contaminant Exceeding Allowable Standard Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

8. The violations of N.J.A.C. 7:27-8, Permits and Certificates, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation		<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(a)	Obtain Preconstruction Permit					
Class: Estimated Potential Emission Rate of Source Operation						
1. Less than 0.5 pound per hour		<u>M</u>	\$100 ⁵	\$200 ⁵	\$500 ⁵	\$1,500 ⁵
		<u>M</u>				

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
2. From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x		\$200 ⁵	\$400 ⁵	\$1,000 ⁵	\$3,000 ⁵
3. Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x	<u>M</u>	\$600 ⁵	\$1,200 ⁵	\$3,000 ⁵	\$9,000 ⁵
4. Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x	<u>NM</u>	\$1,000 ⁵	\$2,000 ⁵	\$5,000 ⁵	\$15,000 ⁵
5. Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(b)	Obtain Certificate				
Class: Estimated Potential Emission Rate of Source Operation					
1. Less than 0.5 pound per hour	<u>M</u>	\$100 ⁵	\$200 ⁵	\$500 ⁵	\$1,500 ⁵
2. From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x	<u>M</u>	\$200 ⁵	\$400 ⁵	\$1,000 ⁵	\$3,000 ⁵
3. Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x	<u>M</u>	\$600 ⁵	\$1,200 ⁵	\$3,000 ⁵	\$9,000 ⁵
4. Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x	<u>NM</u>	\$1,000 ⁵	\$2,000 ⁵	\$5,000 ⁵	\$15,000 ⁵
<u>5.a Failure to renew a certificate Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B)⁶</u>	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
<u>5.b All other violations</u> Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each
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						Subsequent Offense
N.J.A.C. 7:27-8.3(d)	Preconstruction Permit or Certificate Readily Available	M	\$100	\$200	\$500	\$1,500

Citation	Rule Summary	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(e)	Emissions Detected by Stack Tests from Source Operation					
Class: Maximum Allowable Emissions						
Less than 0.5 pound per hour:						
1.	Less than 25 percent over the allowable standard	NM	\$500 ⁴	\$1,000 ⁴	\$2,500 ⁴	\$7,500 ⁴
2.	From 25 through 50 percent over the allowable standard	NM	\$1,000 ⁴	\$2,000 ⁴	\$5,000 ⁴	\$15,000 ⁴
3.	Greater than 50 percent over the allowable standard	NM	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x :						
1.	Less than 25 percent over the allowable standard	NM	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2.	From 25 through 50 percent over the allowable standard	NM	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	NM	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x :						
1.	Less than 25 percent over the allowable standard	NM	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2.	From 25 through 50 percent over the allowable standard	NM	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
For greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x or air contaminants regulated pursuant to HAP (Table B) ⁶ :						
1.	Less than 25 percent over the allowable standard	NM	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2.	From 25 through 50 percent over the allowable standard	NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(e)	Preconstruction Permit and Certificate Conditions and Provisions					
Class: Emissions from Source Operation						
1. a Less than 0.5 pounds per hour - No Emission Increase		M	\$400 ⁵	\$800 ⁵	\$2,000 ⁵	\$6,000 ⁵
1. b Less than 0.5 pounds per hour - Emission Increase		NM				
2. a From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x - No Emission Increase		M	\$800 ⁵	\$1,600 ⁵	\$4,000 ⁵	\$12,000 ⁵
2. b From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x - Emission Increase		NM				
3. a Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x - No Emission Increase		M	\$1,200 ⁵	\$2,400 ⁵	\$6,000 ⁵	\$18,000 ⁵
3. b Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x - Emission Increase		NM				
4. a Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x - No Emission Increase		M	\$2,000 ⁵	\$4,000 ⁵	\$10,000 ⁵	\$30,000 ⁵
4. b Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x - Emission Increase		NM				
5. a Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ - No Emission Increase		M	\$3,000	\$6,000	\$15,000	\$45,000
5. b Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ - Emission Increase		NM				
N.J.A.C. 7:27-8.3(e)	Preconstruction Permit and Certificate Conditions and Provisions Detected by Continuous Monitoring System	See N.J.A.C. 7:27A-3.10(n) for the calculation of civil administrative penalties. ⁵				

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
		M				

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.4[(c)] (f)1	Submit Source Specific Testing Protocol		\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-8.4[(c)] (f)3	Conduct Source Specific Testing	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.4[(c)] (f)4	Provide Notice of Source Specific Testing	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-8.4[(c)] (f)5	Submit Test Report	M	\$500	\$1,000	\$2,500	\$5,000
N.J.A.C. 7:27-8.4[(c)] (f)6	Certify Test Report	M	\$300	\$600	\$1,500	\$4,500
[N.J.A.C. 7:27-8.4(f)]	Conduct Air Quality Impact Analysis	M	\$2,000	\$4,000	\$10,000	\$30,000]
N.J.A.C. 7:27-8.4[(g)] (n)	Submit Application for Renewal	M	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-8.4(j)	Conduct Air Quality Impact Analysis	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.9(a)	Submit Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-8.9(b)	Submit Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-8.9(c)	Certify Report	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-8.9(d)	Submit Emission Report	M	\$500	\$1,000	\$2,500	\$7,500
⁴ Per Air Contaminant Exceeding Allowable Standard—Revoke Certificate to Operate Under N.J.A.C. 7:27-8 or Revoke Operating Permit Under N.J.A.C. 7:27-22 (if applicable)						
⁵ Based on Permit, if Applicable, or if Not, Estimate of Air Contaminant with Greatest Emission Rate Without Controls						
⁶ NSPS (40 CFR 60) NESHAP (40 CFR 61) PSD (40 CFR 51) EOR (N.J.A.C. 7:27-18) TXS (N.J.A.C. 7:27-17) HAP (TABLE B) (N.J.A.C. 7:27-8, Appendix 1 - Table B)						

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9. The violations of N.J.A.C. 7:27-9, Control and Prohibition of Air Pollution from Sulfur Dioxide caused by the Combustion of Fuel, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-9.2(a)	Storage/Sale by User	NM	\$500	\$1,000	\$2,500	\$7,500
	Supplier	NM	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-9.2(b)	User less than 20 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 20 x 10 ⁶ BTU or more	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-9.2(d)	Mathematical Combination	NM	\$2,000	\$4,000	\$10,000	\$30,000 ³
N.J.A.C. 7:27-9.2(e)	Facility By-Products	NM	\$2,000	\$4,000	\$10,000	\$30,000 ³
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

10. The violations of N.J.A.C. 7:27-10, Sulfur in Solid Fuels, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-10.2(a)	Storage/Sale by User	NM	\$500	\$1,000	\$2,500	\$7,500
	Supplier	NM	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-10.2(b)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(e)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(f)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

11. The violations of N.J.A.C. 7:27-11, Incinerators, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.2(a)	Multiple Chamber	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.2(c)	Single Fuel-Fed	NM	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)1					
CLASS					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	NM				

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)1					
CLASS					
3. Greater than 50 percent over the allowable standard		\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)2					
CLASS					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)2					
CLASS					
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(b)	Smoke	NM	\$1,000 ²	\$2,000 ²	\$5,000 ²	\$15,000 ²
N.J.A.C. 7:27-11.3(c)	Unburned Waste or Ash	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(d)	Odors	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(e)1	Monitoring (Density of Smoke)	M	\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-11.3(e)2	Sampling and Testing Facilities	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-11.5(b)	Certificate	<u>M</u>	\$50	\$100	\$250	\$750
	Operating Procedures	<u>M</u>	\$100	\$200	\$500	\$1,500
² Double Penalty If Over Two Ringelmann or 40% Opacity						
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

12. The violations of N.J.A.C. 7:27-12, Prevention and Control of Air Pollution Emergencies, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-12.4(a) and (b)	Standby Plan	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-12.4(d)	Availability	<u>M</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-12.4(e)	Failure to Submit	<u>M</u>	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-12.5(a)1	Alert	<u>NM</u>	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)2	Warning	<u>NM</u>	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)3	Emergency	<u>NM</u>	\$10,000	\$25,000	\$50,000	\$50,000

13. The violations of N.J.A.C. 7:27-13, Ambient Air Quality Standards, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

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Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-13.3(a)1 or 2	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.3(b)1 or 2	Secondary	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.4(a)1 or 2	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.4(b)1, 2 or 3	Secondary	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.5(a)1 or 2	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(a)	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(b)	Secondary	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.7	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.8	Primary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	<u>NM</u>	\$5,000	\$10,000	\$25,000	\$50,000

14. The violations of N.J.A.C. 7:27-14, Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-14.3(a)	Passenger Vehicle Registration	<u>NM</u>	\$100	\$200	\$500	\$1,500

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	Commercial Vehicle Registration	<u>NM</u>	\$200	\$400	\$1,000	\$3,000
	Property Owner	<u>NM</u>	\$200	\$400	\$1,000	\$3,000

15. The violations of N.J.A.C. 7:27-15, Control and Prohibition of Air Pollution from Gasoline-fueled Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle or, with respect to N.J.A.C. 7:27-15.7(a)4, per device/component, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-15.3(d)	Passenger Vehicle Registration	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)1	Owner of four or fewer vehicles	<u>NM</u>	\$400	\$800	\$2,000	\$6,000
	Owner of five or more vehicles	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)2	Passenger Vehicle Registration	<u>NM</u>	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)3	Sale/Offer for Sale; Lease/Offer for Lease by owner of four or fewer vehicles	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
	Sale/Offer for Sale; Lease/Offer for Lease by owner of five or more vehicles	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
		<u>NM</u>				

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Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-15.7(a)4	Offer for Sale/Sale of Device/Component		\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-15.8(a)	Passenger Vehicle Registration	<u>NM</u>	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	<u>NM</u>	\$200	\$400	\$1,000	\$3,000

16. The violations of N.J.A.C. 7:27-16, Control and Prohibition of Air Pollution by Volatile Organic Compounds(VOC), and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.2(b)	External Surface	<u>NM</u>	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(b)	Control Apparatus	<u>NM</u>	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(c)	Vapor Control System	<u>NM</u>	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(d)	Gauging/ Sampling	<u>NM</u>	\$500 ³	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.2(g)	Floating Roof	<u>NM</u>	\$2,000 ³	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(h)	Seal-Envelope	<u>NM</u>	\$2,000 ³	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(i)	Roof Openings	<u>NM</u>	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(k)	Records	<u>M</u>	\$500 ³	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(c)	Submerged Fill (Gasoline)	<u>NM</u>	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3[(c)] (d)	Transfer of Gasoline	<u>NM</u>	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
<u>N.J.A.C. 7:27-16.3(e)</u>	<u>Transfer of Gasoline (Delivery)</u>	<u>NM</u>	<u>\$600</u>	<u>\$1,200</u>	<u>\$3,000</u>	<u>\$9,000</u>

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
[N.J.A.C. 7:27-16.3(m)]	Transfer of Gasoline(Delivery)		\$600 ³	\$1,200	\$3,000	\$9,000 ³
[N.J.A.C. 7:27-16.3(n)1]	Loading 15,000 gallons or less per day		\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
[N.J.A.C. 7:27-16.3(n)2]	Loading more than 15,000 gallons per day		\$5,000 ³	\$10,000 ³	\$25,000 ³	\$50,000 ³
[N.J.A.C. 7:27-16.3(f)1i]	Release of VOC		\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
[N.J.A.C. 7:27-16.3(f)1ii]	Overfill and Spillage		\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
[N.J.A.C. 7:27-16.3(g)2]	Records Availability		\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(i)[2]1	[Pressure] Testing	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(i)[3]2 or (i)[4]3	[Certification Display] Records	M	\$100 ³	\$200 ³	\$500 ³	\$1,500 ³
N.J.A.C. 7:27-16.3(j)	Transfer Pressure	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
[N.J.A.C. 7:27-16.3(n)1]	Leak		\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
[N.J.A.C. 7:27-16.3(n)2]	Component		\$800 ³	\$1,600 ³	\$4,000 ³	\$12,000 ³
[N.J.A.C. 7:27-16.3(n)3]	Spill		\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.3(k)(d)	Vapor-Tight Delivery Vessel (Gasoline)	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
[N.J.A.C. 7:27-16.3(o)1]	Recertify		\$200 ³	\$400 ³	\$1,000 ³	\$3,000 ³
<u>N.J.A.C. 7:27-16.3(m)</u>	<u>Transfer of Gasoline(Delivery)</u>	<u>NM</u>	<u>\$600</u>	<u>\$1,200</u>	<u>\$3,000³</u>	<u>\$9,000³</u>
<u>N.J.A.C. 7:27-16.3(n)1</u>	<u>Loading 15,000 gallons or less per day</u>	<u>NM</u>	<u>\$1,000</u>	<u>\$2,000</u>	<u>\$5,000³</u>	<u>\$15,000³</u>
<u>N.J.A.C. 7:27-16.3(n)2</u>	<u>Loading more than 15,000 gallons per day</u>	<u>NM</u>	<u>\$5,000</u>	<u>\$10,000</u>	<u>\$25,000³</u>	<u>\$50,000³</u>
<u>N.J.A.C. 7:27-16.3(o)1</u>	<u>Leak</u>	<u>NM</u>	<u>\$600</u>	<u>\$1,200</u>	<u>\$3,000</u>	<u>\$9,000</u>
<u>N.J.A.C. 7:27-16.3(o)2</u>	<u>Component</u>	<u>NM</u>	<u>\$800</u>	<u>\$1,600</u>	<u>\$4,000</u>	<u>\$12,000</u>
<u>N.J.A.C. 7:27-16.3(o)3</u>	<u>Spill</u>	<u>NM</u>	<u>\$2,000</u>	<u>\$4,000</u>	<u>\$10,000</u>	<u>\$30,000</u>

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<u>N.J.A.C. 7:27-16.3(p)</u>	<u>Recertify</u>	<u>M</u>	<u>\$200</u>	<u>\$400</u>	<u>\$1,000</u>	<u>\$3,000</u>
<u>N.J.A.C. 7:27-16.3(q)</u>	<u>Gasoline Loading Facility</u>	<u>NM</u>	<u>\$600</u>	<u>\$1,200</u>	<u>\$3,000</u> ³	<u>\$9,000</u> ³
N.J.A.C. 7:27-16.3(s)	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.4(b)	Submerged Fill (VOC)	<u>NM</u>	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(c)	Transfer of VOC	<u>NM</u>	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(f)	Transfer of VOC (Delivery)	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(i)[1]	Pressure Testing	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.4(i)	Certification Display	<u>M</u>	\$100	\$200	\$500	\$1,500
N.J.A.C. 7:27-16.4(j)	Transfer Pressure	<u>M</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(k)	Component	<u>NM</u>	\$800	\$1,600	\$4,000	\$12,000
N.J.A.C. 7:27-16.4(k)1	Leak	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(k)2	Spill	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.4(l)	Vapor-Tight Delivery Vessel (VOC)	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(m)	Recertify	<u>M</u>	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-16.4(o)	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.5(b)	Control Apparatus	<u>M</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(c)	Submittal/Plan	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.5(e)	Ballasting	<u>M</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(f)1	Leak	<u>NM</u>	\$1,200	\$2,400	\$6,000	\$18,000
N.J.A.C. 7:27-16.5(f)2	Component	<u>NM</u>	\$1,600	\$3,200	\$8,000	\$24,000
N.J.A.C. 7:27-16.5(f)3	Spill	<u>NM</u>	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-16.5(j)	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.6(b)	Tank Lids	<u>NM</u>	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.6(c)	Unheated Surface Cleaner 25 square feet or less	<u>NM</u>	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.6(d)	Unheated Surface Cleaner greater than 25 square feet	<u>NM</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(e)	Heated Tank	<u>NM</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(f)	Vapor Surface Cleaner	<u>NM</u>	\$1,500 ³	\$3,000 ³	\$7,500 ³	\$22,500 ³
N.J.A.C. 7:27-16.6(g)	Unheated Conveyorized Surface Cleaner	<u>NM</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(h)	Heated Conveyorized Surface Cleaner	<u>NM</u>	\$1,500 ³	\$3,000 ³	\$7,500 ³	\$22,500 ³
N.J.A.C. 7:27-16.6(i)	Conveyorized Vapor Surface Cleaner	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.6(j)	Cold Cleaning Machine	<u>NM</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(j)	Heated Cleaning Machine	<u>NM</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(k)	Batch Vapor Cleaning Machine	<u>NM</u>	\$1,500 ³	\$3,000 ³	\$7,500 ³	\$22,500 ³
N.J.A.C. 7:27-16.6(l)	In-Line Vapor Cleaning Machine	<u>NM</u>	\$1,500 ³	\$3,000 ³	\$7,500 ³	\$22,500 ³
N.J.A.C. 7:27-16.6(m)	Airless Cleaning Machine or Air-Tight Cleaning Machine	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
[N.J.A.C. 7:27-16.6(f)	Oil-Water Separator		\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(c)					
CLASS Surface Coating or Graphic Arts					
Maximum Actual Emissions					
For less than 10 pounds per hour:					

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-16.7(d)					
CLASS Surface Coating or Graphic Arts					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
standard					
From 10 pounds to 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(g)					
CLASS Metal Furniture or Large Appliance					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(h)					
CLASS Printing					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
standard					
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(i)					
CLASS Tablet Coating					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(j)					
CLASS Wood Furniture					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(k)1	Permit	M	\$400	\$800	\$2,000	\$6,000
N.J.A.C. 7:27-16.7(m) or (n)	Records	M	\$500	\$1,000	\$2,500	\$7,500

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.8(b)1 or 2					
CLASS Non-utility and Utility Boilers					
Actual Emission (pounds per million BTU):					
Boiler Heat Input Capacity--Less than 100					

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MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
Boiler Heat Input Capacity--From 100-250 MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Boiler Heat Input Capacity--Greater than 250 MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.8(b)3 or (c)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(e)	Demonstrate Compliance	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(f) or (g)	Failure to Install CEM	NM	\$10,000	\$20,000	\$50,000	\$50,000

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.9(b) and (c)					
CLASS Stationary Gas Turbine					
Actual Emission (pounds per million BTU):					
3-10 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
11-50 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Greater than 50 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.9(e)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.9(f)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.10(b)					
CLASS Stationary Internal Combustion Engine					
Actual Emission (grams per horsepower hr):					
1000 Hp or less					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
Greater than 1000 Hp					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.10(d)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.10(e)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.11(b)					
CLASS Asphalt plants					
Maximum Actual Emissions					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.11(d)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.11(e)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.12(c)	Maximum VOC Content of Coatings	NM	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(d)	Contents of Coating	NM	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(e)	Documentation of VOC Content Calculations	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(f)	Coating Application Techniques	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(g)	Spray Gun Cleaning Methods	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(h)	Additional Measures	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.13(a)	Flares	NM	\$1,200 ³	\$2,400 ³	\$6,000 ³	\$18,000 ³
N.J.A.C. 7:27-16.13(b)	Submittal	M	\$300	\$600	\$1,500	\$4,500

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.13(c)	Log	M	\$500	\$1,000	\$2,500	\$7,500

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.16(c)					
CLASS Other Source Operations					
Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable	NM	\$10,000	\$20,000 ³	\$50,000 ³	\$50,000 ³

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Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.16(c)					
CLASS Other Source Operations					
Maximum Actual Emissions standard					
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.16(g)	Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.17(b)1	Control Apparatus	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(b)2	Compliance with Alternative VOC Control Plan	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(c)[1]	Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(d)	Submittal	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.17(e)	Submittal	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.17(n)	Submittal	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.18(c)	Leak	NM	\$300	\$600	\$1,500 ³	\$4,500 ³
N.J.A.C. 7:27-16.18(d)	Leak	NM	\$300	\$600	\$1,500 ³	\$4,500 ³
N.J.A.C. 7:27-16.18(f)	Leak Detection and Repair	NM	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(g)	Leak Detection and Repair	NM	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(h)	Leak Detection and Repair	NM	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(i)	Leak Detection and Repair	NM	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(j)1	Log	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.18(j)2	Report	M	\$500	\$1,000	\$2,500	\$7,500

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.18(l)	Annual Testing	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-16.18(o)	Sealing Device	NM	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.18(q)	Alternative Methods	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-16.19	Cutback and Emulsified Asphalt	NM	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.20(a)						
	CLASS Petroleum Solvent Dry Cleaning					
	Maximum Actual Emissions					
	For less than 10 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	From 10 pounds through 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	For greater than 22.8 pounds per hour:					
		NM				

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.20(a)						
	CLASS Petroleum Solvent Dry Cleaning					
	Maximum Actual Emissions					
	1. Less than 25 percent over the allowable standard		\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000 ³	\$50,000 ³	\$50,000 ³

[Citation]	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense]
[N.J.A.C. 7:27-16.17(b)1]	Submittal		\$300	\$600	\$1,500	\$4,500]
[N.J.A.C. 7:27-16.17(b)2i]	Control Apparatus		\$2,000	\$4,000	\$10,000	\$30,000]
[N.J.A.C. 7:27-16.17(b)2ii]	Compliance with Alternative VOC Control Plan		\$2,000	\$4,000	\$10,000	\$30,000]
[N.J.A.C. 7:27-16.17(c)2]	Compliance with Alternative VOC Control Plan		\$2,000	\$4,000	\$10,000	\$30,000]
[N.J.A.C. 7:27-16.17(n)]	Amendment of Compliance plan		\$300	\$600	\$1,500	\$4,500]
N.J.A.C. 7:27-16.20(b)	Filtration Emissions	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(c)1	Leaking Equipment	<u>NM</u>	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(c)2	Open Containers	<u>NM</u>	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(f)	Total Emissions	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(g)	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(a)	Plan	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
		<u>NM</u>				

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[Citation]	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense]
N.J.A.C. 7:27-16.21(b)	Implement Plan		\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-16.21(c)	Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(d)	Records Availability	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(e)	Revise Plan	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(a)	Records Availability	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.22(c)	Information	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.22(d)	Monitoring	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(e)	Sampling and Testing	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.24(a)	Adjust Combustion	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
[N.J.A.C. 7:27-16.25(h)	Plan		\$2,000	\$4,000	\$10,000	\$30,000]
[N.J.A.C. 7:27-16.25(l)	CEM		\$2,000	\$4,000	\$10,000	\$30,000]
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

17. The violations of N.J.A.C. 7:27-17, Control and Prohibition of Air Pollution by Toxic Substances, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-17.2	Asbestos Surface Coating	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-17.3(a)	Registration	<u>M</u>	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(c)	Remedial Measures	<u>M</u>	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(d)	Implementation	<u>M</u>	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³

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Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-17.3(e)	Resubmittal	M	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.4(a)	Discharge Criteria	M	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.4(b)	Aerodynamic Downwash	M	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.5(a)	Written Instructions	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(b)	Training Program	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(c)	Copies of Instructions	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(d)	Submittal	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(e)	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.6(a)	Tests (Asbestos)	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-17.6(c)1	Information (TXS)	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-17.6(c)2	Monitoring (TXS)	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-17.6(c)3	Sampling and Testing Facilities (TXS)	M	\$2,000	\$4,000	\$10,000	\$30,000
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)						

18. (Reserved)

19. The violations of N.J.A.C. 7:27-19, Control and Prohibition of Air Pollution from Oxides of Nitrogen, and the civil administrative penalty amounts for each violation, are as set forth in the following table:

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.3(d)	Failure to Submit Application or Plan	M	\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.4(a)	Utility Boilers					
Actual Emissions (pounds per million BTU per hour):						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.4(b)	All Utility Boilers Failure to Install CEM	M	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(a) or (b)	Stationary Gas Turbines					
Actual Emission (pounds per million BTU):						
3-10 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
11-50 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MW Turbine						

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
1.	Less than 25 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(c)5	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.5(c)5</u>	<u>Conditions of Approval - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.5(c)6	Adjust Combustion Process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.6(d)1 and 2	Emissions Averaging					
Actual Emission (pounds per million BTU):						
1.	Less than 25 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
2.	Twenty-five percent or greater percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.6(f)1 or 2	Record Keeping of Compliance Demonstration	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(g)	Log	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(h)	Quarterly Reports	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(i)	Notice of Noncompliance	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(j)1	Provide Notice of Ceased Operations	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.7(a)	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.7(b) or (c)	Non-Utility boilers and other indirect heat exchangers					
Actual Emission (pounds per million BTU):						

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
Less than 25 MMBTU per hour						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000	\$8,000	\$20,000	\$50,000
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000	\$16,000	\$40,000	\$50,000
25-50 MMBTU per hour						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000	\$12,000	\$30,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000	\$16,000	\$40,000	\$50,000
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MMBTU per hour						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000	\$16,000	\$40,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.7(d)	Heat input rate of 250 MMBTU per hour or greater					
	Failure to install CEM	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
	Heat input rate of 50 MMBTU to less than 250 MMBTU per hour					
	Adjust combustion process or install CEM	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.8(a), (b) or (c)	Stationary Internal Combustion Engines					

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
Actual Emission (grams per horsepower hour):						
1000 Hp or less						
1.	Less than 25 percent over the allowable standard	NM	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 1000 Hp						
1.	Less than 25 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.9(a)	Asphalt Plants					
Maximum Actual Emissions						
1.	Less than 25 percent over the allowable standard	NM	\$2,000	\$4,000	\$10,000	\$30,000
2.	From 25 through 50 percent over the allowable standard	NM	\$4,000	\$8,000	\$20,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
N.J.A.C. 7:27-19.9(b)	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.10(a) or (b)	Glass Manufacturing Furnaces					
Maximum Actual Emission:						
For less than 10 pounds per hour:						
		NM				

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
1. Less than 25 percent over the allowable standard			\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
From 10 pounds through 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
From greater than 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)1	Determine baseline NO _x emission rate	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.10(c)2	Submit Emission Reduction Plan	M	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)3	Implement Emission Reduction Plan	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)4	Reduce Emissions 30%					
Maximum Actual Emission:						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
2.	From 25 through 50 percent over the allowable standard	NM	\$4,000	\$8,000	\$20,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
From 10 pounds through 22.8 pounds per hour:						
1.	Less than 25 percent over the allowable standard	NM	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
From greater than 22.8 pounds per hour:						
1.	Less than 25 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(e)	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.13(j)	Modify NO _x Control Plan for alterations	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.13(n)	Implement NO _x Control Plan	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.15(c)	Demonstrate Compliance	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.16(c)	Log	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.17(a)1	Conduct Stack Tests	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(a)2, 3 or 4	Information	M	\$300	\$600	\$1,500	\$4,500

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.17(b)	Sampling and Testing Facilities	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(e)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.18(a)2, 3, 4 or 5	Monitoring	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.18(h)	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.18(h)</u>	<u>Conditions of Approval - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.19(a) or (b)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(d)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(e)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(f)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(g)1 or 2	Submit Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.20(d)	Compliance with Maximum Annual Emission Rate					
Actual Emissions (pounds per million BTU).						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. Twenty-five percent or greater percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.20(g)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.20(g)1</u>	<u>Conditions of Approval - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.20(g)2	Combust Cleaner Fuel	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.20(g)3	Compliance with Maximum					

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	Allowable Emission Rate					
	Actual Emissions (pounds per million BTU)					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000	\$16,000	\$40,000	\$50,000
	2. Twenty-five percent or greater percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.20(g)4	Compliance with Maximum Allowable Emission Rate					
	Class: Utility Boilers	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.4(a).				
	Class: Stationary Gas Turbines	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.5(a) or (b).				
	Class: Nonutility Boilers and other Indirect Heat Exchangers	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.7(b) or (c).				
	Class: Stationary Internal Combustion Engines	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.8(a), (b) or (c).				
	Class: Asphalt Plants	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.9(a).				
	Class: Glass Manufacturing Furnaces	See N.J.A.C. 7:27A-3.10(m)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.10(a) or (b).				
N.J.A.C. 7:27-19.20(g)5	Compliance with Maximum Annual Emission Rate					
	Actual Emissions (pounds per million BTU).					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000	\$16,000	\$40,000	\$50,000
	2. Twenty-five percent or greater percent over the allowable standard	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
		<u>M</u>				

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.20(i)1, 2 or 3	Maintain Emission Calculations		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)1	Conditions of Approval - <u>No Emission Increase</u>	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.21(e)1</u>	<u>Conditions of Approval - Emission Increase</u>	<u>NM</u>				
N.J.A.C. 7:27-19.21(e)2	Compliance Milestones - <u>No Emission Increase</u>	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.21(e)2</u>	<u>Compliance Milestones - Emission Increase</u>	<u>NM</u>				
N.J.A.C. 7:27-19.21(e)4	Determine Actual NO _x Emissions	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)5	Adjust combustion process	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)6	Record Keeping and Reporting	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)7	Notification	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)9	Compliance with Maximum Allowable Emission Rate		See N.J.A.C. 7:27A-3.10(l)19 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-19.5(a) or (b).			
	Class: Utility Boilers					
N.J.A.C. 7:27-19.21(e)10	Cease Operating	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.22(g)1	Conditions of Approval - <u>No Emission Increase</u>	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.22(g)1</u>	<u>Conditions of Approval - Emission Increase</u>	<u>NM</u>				
N.J.A.C. 7:27-19.22(g)2	Compliance Milestones - <u>No Emission Increase</u>	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.22(g)2</u>	<u>Compliance Milestones - Emission Increase</u>	<u>NM</u>				
N.J.A.C. 7:27-19.22(g)3	Notification	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.22(g)4	Control Emissions	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.23(e)1</u>	<u>Conditions of Approval - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.23(e)2	Compliance Milestones - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.23(e)2</u>	<u>Compliance Milestones - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.23(e)3	Implement Innovative Control Technology - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
<u>N.J.A.C. 7:27-19.23(e)3</u>	<u>Implement Innovative Control Technology - Emission Increase</u>	NM				
N.J.A.C. 7:27-19.23(e)4	Determine Actual NO _x Emissions	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)5	Adjust Combustion Process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)6	Record Keeping and Reporting	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)7	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)9	Cease Operating	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.24(b)	Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.25(d)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500

20. [(Reserved)] **The violations of N.J.A.C. 7:27-20, Used Oil Combustion, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:**

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<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
<u>N.J.A.C. 7:27-20.2(a)</u>	<u>Unauthorized Use</u>	<u>NM</u>	<u>\$3,000</u>	<u>\$6,000</u>	<u>\$15,000</u>	<u>\$45,000</u>
<u>N.J.A.C. 7:27-20.2(b)</u>	<u>Prohibited Commercial Use</u>	<u>NM</u>	<u>\$800</u>	<u>\$1,600</u>	<u>\$4,000</u>	<u>\$12,000</u>
	<u>Prohibited Commercial Sale</u>	<u>NM</u>	<u>\$2,000</u>	<u>\$4,000</u>	<u>\$10,000</u>	<u>\$30,000</u>
<u>N.J.A.C. 7:27-20.2(c)</u>	<u>Prohibited Residential Sale</u>	<u>NM</u>	<u>\$2,000</u>	<u>\$4,000</u>	<u>\$10,000</u>	<u>\$30,000</u>
<u>N.J.A.C. 7:27-20.2(d)</u>	<u>Registration Required, equal or less then 500,000 BTU/Hr</u>	<u>NM</u>	<u>\$200</u>	<u>\$400</u>	<u>\$1,000</u>	<u>\$3,000</u>
	<u>Permit Required, greater then 500,000 BTU/Hr</u>	<u>NM</u>	<u>\$400</u>	<u>\$800</u>	<u>\$2,000</u>	<u>\$6,000</u>
<u>N.J.A.C. 7:27-20.2(e)</u>	<u>Hazardous Waste Prohibited</u>	<u>NM</u>	<u>\$3,000</u>	<u>\$6,000</u>	<u>\$15,000</u>	<u>\$45,000</u>
<u>N.J.A.C. 7:27-20.3(a)</u>	<u>Authorized Use Requirements</u>	<u>NM</u>	<u>\$3,000</u>	<u>\$6,000</u>	<u>\$15,000</u>	<u>\$45,000</u>

21. The violations of N.J.A.C. 7:27-21, Emission Statements, and the civil administrative penalty amounts for each violation are as set forth in the following table:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
<u>N.J.A.C. 7:27-21.3(a)</u>	<u>Failure to Submit</u>	<u>NM</u>	<u>\$2,000</u>	<u>\$4,000</u>	<u>\$10,000</u>	<u>\$30,000</u>
<u>N.J.A.C. 7:27-21.5(a)</u>	<u>Failure to Certify</u>	<u>M</u>	<u>\$2,000</u>	<u>\$4,000</u>	<u>\$10,000</u>	<u>\$30,000</u>
<u>N.J.A.C. 7:27-21.5(a)-(i)</u>	<u>Omission of Required Information</u>	<u>M</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$2,500</u>	<u>\$7,500</u>
<u>N.J.A.C. 7:27-21.7(a)</u>	<u>Failure to Keep Records</u>	<u>M</u>	<u>\$500</u>	<u>\$1,000</u>	<u>\$2,500</u>	<u>\$7,500</u>
		<u>M</u>				

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-21.7(b)	Failure to Make Records Readily Available		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-21.7(c)	Failure to Timely Submit Copy of Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-21.3(c) and 21.10(f)	Failure to Obtain Department Approval of Claim of Non-applicability Prior to Discontinuing Submittal	M	\$100	\$200	\$500	\$1,500

22. The violations of N.J.A.C. 7:27-22, Operating Permits, and the civil administrative penalty amounts for each violation, per source operation, are set forth in the following tables:

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(a)	Obtain and Maintain Operating Permit					
	Class: Estimated Potential Emission of Source Operation					
1.	Less than 0.5 pound per hour	M	\$100 ¹⁰	\$200 ¹⁰	\$500 ¹⁰	\$1,500 ¹⁰
2.	From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x	M	\$200 ¹⁰	\$400 ¹⁰	\$1,000 ¹⁰	\$3,000 ¹⁰
3.	Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x	M	\$600 ¹⁰	\$1,200 ¹⁰	\$3,000 ¹⁰	\$9,000 ¹⁰
4.	Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x	NM	\$1,000 ¹⁰	\$2,000 ¹⁰	\$5,000 ¹⁰	\$15,000 ¹⁰
5.	Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ [NES]	NM	\$2,000	\$4,000	\$10,000	\$30,000

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(b)	Obtain Operating Permit Before Operation					
	Class: Estimated Potential Emission of Source Operation					
1. Less than 0.5 pound per hour		M	\$100 ¹⁰	\$200 ¹⁰	\$500 ¹⁰	\$1,500 ¹⁰
2. From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x		M	\$200 ¹⁰	\$400 ¹⁰	\$1,000 ¹⁰	\$3,000 ¹⁰
3. Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x		M	\$600 ¹⁰	\$1,200 ¹⁰	\$3,000 ¹⁰	\$9,000 ¹⁰
4. Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x		NM	\$1,000 ¹⁰	\$2,000 ¹⁰	\$5,000 ¹⁰	\$15,000 ¹⁰
5. Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶		NM	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(c)	Emissions Not Detected by Continuous Monitoring System or Stack Test					
N.J.A.C. 7:27-22.3(d)	Proper Operation					
N.J.A.C. 7:27-22.3(e)	Other Conditions					
	Class: Emission of Source Operation					
1.a Less than 0.5 pound per hour - No Emission Increase		M				
1.b Less than 0.5 pound per hour - Emission Increase		NM	\$400 ¹⁰	\$800 ¹⁰	\$2,000 ¹⁰	\$6,000 ¹⁰

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2.a From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x - No Emission Increase	M				
2.b From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO_x - Emission Increase	NM	\$800 ¹⁰	\$1,600 ¹⁰	\$4,000 ¹⁰	\$12,000 ¹⁰
3.a Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x - No Emission Increase	M				
3.b Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO_x - Emission Increase	NM	\$1,200 ¹⁰	\$2,400 ¹⁰	\$6,000 ¹⁰	\$18,000 ¹⁰
4.a Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x - No Emission Increase	M				
4.b Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x - Emission Increase	NM	\$2,000 ¹⁰	\$4,000 ¹⁰	\$10,000 ¹⁰	\$30,000 ¹⁰
5.a Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ - No Emission Increase	M				
5.b Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B)⁶ - Emission Increase	NM	\$3,000	\$6,000	\$15,000	\$45,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(e)	Emissions Detected by Stack Test					
Class: Maximum Allowable Emission of Source Operation						
Less than 0.5 pound per hour:						
1.	Less than 25 percent over the allowable standard	NM	\$500 ⁴	\$1,000 ⁴	\$2,500 ⁴	\$7,500 ⁴

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(e)	Emissions Detected by Stack Test					
Class: Maximum Allowable Emission of Source Operation						
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$1,000 ⁴	\$2,000 ⁴	\$5,000 ⁴	\$15,000 ⁴
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x :						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
Greater than 10 pounds through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x :						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ⁴	\$20,000	\$50,000 ⁴	\$50,000 ⁴
Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x , or air contaminants regulated pursuant to HAP (Table B):						
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
	2. From 25 through 50 percent over the allowable	<u>NM</u>	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(e)	Emissions Detected by Stack Test					
Class: Maximum Allowable Emission of Source Operation						
standard						
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

Citation	Rule Summary	
N.J.A.C. 7:27-22.3(e)	Emissions Detected by Continuous Monitoring System	See N.J.A.C. 7:27A-3.10(n) for the calculation of civil administrative penalties. ¹⁰
N.J.A.C. 7:27-22.3(e)	Operating Parameters Detected by Continuous Monitoring System	See N.J.A.C. 7:27A-3.10(n) for the calculation of civil administrative penalties. ¹⁰

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(q)	Certify Report	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.5(b)	Submit Application for Operating Permit	NM	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.9(a)	Submit Proposed Compliance Plan for Operating Permit					
Class						
1. Plan Not Submitted		M	\$1,000	\$2,000	\$5,000	\$15,000

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2. Plan Incomplete	M	\$500	\$1,000	\$2,500	\$7,500
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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.9(b)	Submit Proposed Compliance Plan for Renewal of and Significant and Minor Modifications to Operating Permit					
Class						
1. Plan Not Submitted		M	\$1,000	\$2,000	\$5,000	\$15,000
2. Plan Incomplete		M	\$500	\$1,000	\$2,500	\$7,500

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.14(d)	General Operating Permit Terms and Conditions					
Class: Estimated Potential Emission Rate of Source Operation						
1.a Less than 0.5 pound per hour - <u>No Emission Increase</u>		M				
<u>1.b Less than 0.5 pound per hour - Emission Increase</u>		NM	\$400 ¹⁰	\$800 ¹⁰	\$2,000 ¹⁰	\$6,000 ¹⁰
2.a From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x - <u>No Emission Increase</u>		M				
<u>2.b From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO_x - Emission Increase</u>		NM	\$800 ¹⁰	\$1,600 ¹⁰	\$4,000 ¹⁰	\$12,000 ¹⁰
3.a Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO _x - <u>No Emission Increase</u>		M				
			\$1,200 ¹⁰	\$2,400 ¹⁰	\$6,000 ¹⁰	\$18,000 ¹⁰

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.14(d)	General Operating Permit Terms and Conditions					
	<u>3.b Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO_x - Emission Increase</u>	<u>NM</u>				
	<u>4.a Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x - No Emission Increase</u> [5. Regulated pursuant to NSPS, NESHAPS, PSDAQ, EOR, EHS, TXS and HAP (Table C) ⁶]	<u>M</u>	[\$3,000] <u>\$2,000</u> ¹⁰	[\$6,000] <u>\$4,000</u> ¹⁰	[\$15,000] <u>\$10,000</u> ¹⁰	[\$35,000] <u>\$30,000</u> ¹⁰
	<u>4.b Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x - Emission Increase</u>	<u>NM</u>				
	5.a Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ - <u>No Emission Increase</u>	<u>M</u>				
	<u>5.b Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B)⁶ - Emission Increase</u>	<u>NM</u>	\$3,000	\$6,000	\$15,000	\$45,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.15(b)1	Temporary Facility Operating Permit Requirements					
	Class: Emission of Source Operation					
	1.a Less than 0.5 pound per hour - <u>No Emission Increase</u>	<u>M</u>				
	<u>1.b Less than 0.5 pound per hour - Emission Increase</u>	<u>NM</u>	\$400 ¹⁰	\$800 ¹⁰	\$2,000 ¹⁰	\$6,000 ¹⁰

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.15(b)1	Temporary Facility Operating Permit Requirements					
	2.a From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO_x - <u>No Emission Increase</u>	<u>M</u>				
	<u>2.b From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO_x - Emission Increase</u>	<u>NM</u>	\$800 ¹⁰	\$1,600 ¹⁰	\$4,000 ¹⁰	\$12,000 ¹⁰
	3.a Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO_x - <u>No Emission Increase</u>	<u>M</u>				
	<u>3.b Greater than 10 through 22.8 pounds per hour, or greater than 2.5 through 5.7 pounds per hour for VOC and NO_x - Emission Increase</u>	<u>NM</u>	\$1,200 ¹⁰	\$2,400 ¹⁰	\$6,000 ¹⁰	\$18,000 ¹⁰
	4.a Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x - <u>No Emission Increase</u>	<u>M</u>				
	<u>4.b Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x - Emission Increase</u>	<u>NM</u>	\$2,000 ¹⁰	\$4,000 ¹⁰	\$10,000 ¹⁰	\$30,000 ¹⁰
	5.a Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B)⁶ - <u>No Emission Increase</u>	<u>M</u>				
	<u>5.b Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B)⁶ - Emission Increase</u>	<u>NM</u>	\$3,000	\$6,000	\$15,000	\$45,000

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.15(b)3	Provide Written Notice of Change	<u>M</u>	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-22.18(b)	Submit Source Emission	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000

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Citation	Rule Summary	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	Testing and Monitoring Protocol					
N.J.A.C. 7:27-22.18(d)	Resubmit Source Emission Testing and Monitoring Protocol	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.18(e)1	Schedule Source Emission Testing Date	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.18(e)2	Perform Source Emissions Testing	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-22.18(e)3	Submit Source Emissions Test Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.18(f)	Perform Periodic Source Emissions Testing	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-22.18(g)3	Schedule Performance Specification Test Date	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.18(g)4	Conduct Performance Specification Test	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-22.18(g)5	Submit Performance Specification Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.18(h)	Certify Source Emission Test Report or Performance Specification Test Report	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.19(a)	Maintain Records of Source Emissions Testing or Monitoring	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(c)	Submit Source Emissions Testing and Monitoring Reports	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(f)	Submit Periodic Compliance Certification	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-22.19(h)	Submit Operating Permit or Emissions Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(i)	Make Information Readily Available	<u>NM</u>	\$500	\$1,000	\$2,500	\$7,500

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Citation	Rule Summary	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.27(b)	Maintain Information for Alternative Operating Scenarios	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.28(i)	Maintain Emissions Trading Log	M	\$500	\$1,000	\$2,500	\$7,500
⁴ Per Air Contaminant Exceeding Allowable Standard--Revoke Certificate to Operate Under N.J.A.C. 7:27-8 or Revoke Operating Permit Under N.J.A.C. 7:27-22 (if applicable).						
⁵ (Reserved)						
⁶ NSPS (40 CFR 60) NESHAP (40 CFR 61) PSD (40 CFR 51) EOR (N.J.A.C. 7:27-18) TXS (N.J.A.C. 7:27-17) HAP Table B (N.J.A.C. 7:27-22, Appendix, Table B)						
⁷⁻⁹ (Reserved)						
¹⁰ Based on each Preconstruction Permit incorporated into the Operating Permit, if applicable, or if not, estimate of air contaminants with the stated emission rate without controls.						

23. The violations of N.J.A.C. 7:27-23, Architectural Coatings, and the civil administrative penalty amounts for each violation are as set forth in the following table:

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-23.3(a) Standards					
CLASS: Manufacturer, Distributor, Seller, Applier for Compensation					
Per Gallon or any part thereof:					
1. Less than 25 percent over the allowable standard	NM	\$300	\$600	\$1,500	\$4,500

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2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$600	\$1,200	\$3,000	\$9,000
3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-23.3(d) Painting Practices	Applier for Compensation	<u>NM</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-23.3(e) Thinning	Applier for Compensation	<u>NM</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-23.3(f) Rust Preventative Coatings	Applier for Compensation	<u>NM</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-23.4(f) Request For Analysis	Manufacturer	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-23.4(g) Duplicate Samples	Manufacturer	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-23.5 Labeling	Manufacturer	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-23.6(a) Shipping Documentation, In State	Manufacturer, Distributor, Seller	<u>M</u>	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-23.6(b) Shipping Documentation, Out of State	Manufacturer, Distributor, Seller	<u>M</u>	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-23.6(c) Product Reporting	Manufacturer	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-23.6(e) & (f) Records	Manufacturer	<u>M</u>	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-23.6(g) Testing Reporting	Manufacturer	<u>M</u>	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-23.6(h) Distributor Identification	Manufacturer, Distributor, Seller, Applier for Compensation	<u>M</u>	\$8,000	\$16,000	\$40,000	\$50,000
	Manufacturer, Distributor,	<u>NM</u>				

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Citation	Class	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-23.7 Inspections	Seller, Applier for Compensation		\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-23.8(b) Recall	Manufacturer, Distributor, Seller	NM	\$10,000	\$25,000	\$50,000	\$50,000

24. Civil administrative penalties for each violation of N.J.A.C. 7:27-24, Control of Air

Pollution from Consumer Products, are as set forth in the following table:

Citation	Rule Summary	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-24.3(b) Distributor identification and shipping documentation availability	Manufacturer, Distributor, Seller	M	\$ 8,000	\$ 16,000	\$ 40,000	\$ 50,000
N.J.A.C. 7:27-24.4(a) VOC standards (Per unit-eight pounds or any part thereof)						
N.J.A.C. 7:27-24.4(a) Less than 25 percent over the standard	Manufacturer, Distributor, Seller	NM	\$ 300	\$ 600	\$ 1,500	\$ 4,500
N.J.A.C. 7:27-24.4(a) From 25 through 50 percent over the allowable standard	Manufacturer, Distributor, Seller	NM	\$ 600	\$ 1,200	\$ 3,000	\$ 9,000
N.J.A.C. 7:27-24.4(a) Greater than 50 percent over the allowable standard	Manufacturer, Distributor, Seller	NM	\$ 1,000	\$ 2,000	\$ 5,000	\$ 15,000
N.J.A.C. 7:27-24.4(h) Charcoal lighter product requirements	Manufacturer	NM	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.4(j) IPE, ACP and variance requirements	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.4(l) Toxic content in aerosol adhesive	Manufacturer, Distributor, Seller	NM	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
[N.J.A.C. 7:27-24.4(m) VOC content in aerosol adhesive	Manufacturer, Distributor, Seller		\$ 500	\$ 1,000	\$ 2,500	\$ 7,500]
N.J.A.C. 7:27-24.5(a) Registration requirements	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.5(d) Date or date-code requirement	Manufacturer	M	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.5(e) Date-code registration	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.5(g) Information on aerosol adhesive products after 1/1/05	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.5(h) Floor wax stripper products after 1/1/05	Manufacturer	M	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.5(i) Defacing of label	Manufacturer, Distributor, Seller	M	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.6(a) Record keeping for chemically formulated products subject to VOC limits	Manufacturer	M	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.6(b) Submit information on product	Manufacturer	M	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.6(c) Record keeping for chemically formulated products not subject to VOC limits	Manufacturer	M	\$ 1,000	\$ 2,000	\$ 5,000	\$ 15,000
N.J.A.C. 7:27-24.6(d) Keep records for 5 years	Manufacturer	NM	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.6(e) Submit information upon written request	Manufacturer, Distributor	M	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.6(f) Distributor identification	Manufacturer, Distributor, Seller	M	\$ 8,000	\$ 16,000	\$ 40,000	\$ 50,000
N.J.A.C. 7:27-24.6(g) Charcoal lighter product records submittal	Manufacturer	M	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.6(h) Submit results from testing	Manufacturer	M	\$ 1,000	\$ 2,000	\$ 5,000	\$ 15,000

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Citation	Rule Summary	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-24.6(i) Falsification of records	Manufacturer, Distributor, Seller	NM	\$ 10,000	\$ 25,000	\$ 50,000	\$ 50,000
N.J.A.C. 7:27-24.6(j) IPE, ACP, and variance documentation	Manufacturer	M	\$ 1,000	\$ 2,000	\$ 5,000	\$ 15,000
N.J.A.C. 7:27-24.7(a) Testing of the product	Manufacturer	NM	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.8(a) Fuel container requirements	Manufacturer, Distributor, Seller	NM	\$ 300	\$ 600	\$ 1,500	\$ 4,500
N.J.A.C. 7:27-24.8(b) Fuel container & spout requirements	Manufacturer, Distributor, Seller	NM	\$ 300	\$ 600	\$ 1,500	\$ 4,500
N.J.A.C. 7:27-24.8(c) Sell through requirements for fuel containers	Manufacturer, Distributor, Seller	NM	\$ 300	\$ 600	\$ 1,500	\$ 4,500
N.J.A.C. 7:27-24.8(e) IPE and variance requirements	Manufacturer	NM	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.9(a) & (b) Labeling of fuel container	Manufacturer	NM	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.10(a) Record keeping for fuel containers	Manufacturer	M	\$ 4,000	\$ 8,000	\$ 20,000	\$ 50,000
N.J.A.C. 7:27-24.10(b) IPE and variance documentation	Manufacturer	M	\$ 1,000	\$ 2,000	\$ 5,000	\$ 15,000
N.J.A.C. 7:27-24.10(c) Date-code registration	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.10(e) Registration schedule	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.10(f) Register code change	Manufacturer	M	\$ 500	\$ 1,000	\$ 2,500	\$ 7,500
N.J.A.C. 7:27-24.11(a) Testing of portable fuel containers	Manufacturer	NM	\$ 2,000	\$ 4,000	\$ 10,000	\$ 30,000
N.J.A.C. 7:27-24.12(b) Order violation and recall of chemically formulated consumer products	Manufacturer, Distributor, Seller	NM	\$ 10,000	\$ 25,000	\$ 50,000	\$ 50,000
N.J.A.C. 7:27-24.12(c) Order violation and recall of portable fuel containers/spouts	Manufacturer, Distributor, Seller	NM	\$ 10,000	\$ 25,000	\$ 50,000	\$ 50,000

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25. The violations of N.J.A.C. 7:27-25, Control and Prohibition of Air Pollution by Vehicular Fuels, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-25.3(a)	Less than 15,000 gallon tank capacity.	NM	\$2,000	\$4,000	\$10,000	\$30,000
	From 15,000 up to 50,000 gallon tank capacity.	NM	\$4,000	\$8,000	\$20,000	\$50,000
	From 50,000 up to 500,000 gallon tank capacity.	NM	\$8,000	\$16,000	\$40,000	\$50,000
	Greater than 500,000 gallon tank capacity.	NM	\$10,000	\$20,000	\$50,000	\$50,000
[N.J.A.C. 7:27-25.3(b)]	[Less than 15,000 gallon tank capacity.		\$2,000	\$4,000	\$10,000	\$30,000]
	[From 15,000 up to 50,000 gallon tank capacity.		\$4,000	\$8,000	\$20,000	\$50,000]
	[From 50,000 up to 500,000 gallon tank capacity.		\$8,000	\$16,000	\$40,000	\$50,000]
	[Greater than 500,000 gallon tank capacity.		\$10,000	\$20,000	\$50,000	\$50,000]
N.J.A.C. 7:27-25.4(a)1	Test/Document	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-25.4(a)2	Certify/Document	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-25.4(a)3	Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-25.4(b)	Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-25.7(g)	Readily Available	M	\$100	\$200	\$500	\$1,500
N.J.A.C. 7:27-25.7(h)1-2	Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-25.7(h)3	Readily Available	M	\$100	\$200	\$500	\$1,500
		M				

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-25.7(h)4	Submittal		\$300	\$600	\$1,500	\$4,500

26. (Reserved)

27. The violations of N.J.A.C. 7:27-27, Control and Prohibition of Mercury Emissions, and the civil administrative penalty amounts for each violation are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-27.4a1 N.J.A.C. 7:27-27.4a2	Municipal Solid Waste Incinerators (MSW) Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.4b	Conduct Stack Emission Testing to Measure Mercury	<u>NM</u>	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.4(d)i	Average Mercury Emissions					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.4(d)ii	Conduct Stack Emission Test	<u>NM</u>	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.5(b)	Hospital/medical/infectious waste incinerators Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.5(c) or N.J.A.C. 7:27-27.5(d)	Conduct Compliance Testing to Measure Mercury	<u>NM</u>	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.5(f)	Submit Plan	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.5(g)	Dispose of Properly	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.6(a)1 N.J.A.C. 7:27-27.6(a)2	Iron or steel smelters Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	<u>NM</u>	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	standard					
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.6(b)	Conduct Compliance Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.6(d)	Submit Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.6(f)	Operate According to Plan	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.6(h)	Maintain Plan Onsite	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.7(a)1 N.J.A.C. 7:27-27.7(a)2	Coal-fired Boilers Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.7(b)	Conduct Compliance Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.7(f)	Comply with Approved Averaging Plan					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	3. Greater than 50 percent over the allowable standard	<u>NM</u>	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.7(i)	Maintain Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.7(j)	Submit Reports	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.8(a)	Submit Stack Emission Test Protocol	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.8(d)1	Conduct Optimization Tests	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.8(d)3	Submit Optimized Reagent Injection Rate	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.8(d)4	Operate at Optimized Reagent Injection Rate	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.8(e)	Submit Application for Preconstruction Permit	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.9(a)	Submit Compliance Testing Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(b)	Submit Optimization Test Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(c)	Submit Report	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(d)	Certify Compliance Testing Report	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(e)	Maintain Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(f)	Certify Compliance Testing Report	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(g)	Make Records Readily Available	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 or Revoke Operating Permit Under N.J.A.C. 7:27-22 (if applicable).						

28. (Reserved)

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29. (Reserved)

30. (Reserved)

31. The violations of N.J.A.C. 7:27-31, and the civil administrative penalty amounts for each violation, are as set forth as follows:

- i. **Violation of N.J.A.C. 7:27-31.3(i) shall be considered a non-minor violation, not subject to a grace period.** The penalty amounts for violation of N.J.A.C. 7:27-31.3(i), which requires a minimum number of allowances to be held in a budget source's compliance account as of the allowance transfer deadline, are set forth in the following table, directly dependent on the number of tons of shortfall (each ton of excess emissions is a separate violation):

Amount of Shortfall (in tons)	Civil Administrative Penalty Amounts (per ton)
1-10	\$ 2,000
11-20	\$ 4,000
21-50	\$10,000

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51-100 \$30,000

over 100 \$50,000

ii. The base penalty amount as calculated in (m)31i above shall be limited by the statutory maximum penalty calculated as follows:

(1) For first offense levels (see N.J.A.C. 7:27A-3.5(f) for an explanation of determining offense levels), the penalty shall not exceed \$10,000 per day for each day of violation within the control period ($\$10,000 \text{ per day} \times 153 \text{ days} = \$1,530,000$);

(2) For second offense levels (see N.J.A.C. 7:27A-3.5(f) for an explanation of determining offense levels), the penalty shall not exceed \$25,000 per day for each day of violation within the control period ($\$25,000 \text{ per day} \times 153 \text{ days} = \$3,825,000$);

(3) For third and subsequent offense levels (see N.J.A.C. 7:27A-3.5(f) for an explanation of determining offense levels), the penalty shall not exceed \$50,000 per day for each day of violation within the control period ($\$50,000 \text{ per day} \times 153 \text{ days} = \$7,650,000$);
and

(4) If the authorized account representative of the budget source can prove that the number of days of violation in the control period is less than 153 days, then the

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maximum penalty as calculated in (m)31ii(1) through (3) above shall be adjusted accordingly.

iii. The violations of other provisions at N.J.A.C. 7:27-31, and the civil administrative penalty amounts for each violation, are as set forth in the following table:

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-31.13(g)	Designate AAR	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.14(b)	Submit Monitoring Plan	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(c)	Install/Operate Monitoring System	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-31.14(c)	Certify Monitoring System	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(d)	Install/Operate Monitoring System	<u>NM</u>	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-31.14(d)	Certify Monitoring System	<u>NM</u>	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(g)	Demonstrate Compliance	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-31.14(h)	Monitoring	<u>M</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-31.15	Records	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.16(a)	Submit Information	<u>M</u>	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-31.16(e)	Emissions Reporting	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.16(f)	Make Information Available	<u>M</u>	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.18(a) or (b)	Submit Compliance Certification	<u>M</u>	\$1,000	\$2,000	\$5,000	\$15,000

(n) The Department shall determine the amount of civil administrative penalty for violations of N.J.A.C. 7:27-8 and 7:27-22 as follows: for violations detected by continuous monitoring systems in accordance with (n)1 below; for continuous monitoring systems not installed, out of service or out of control in accordance with (n)2 below; and for violations of continuous monitoring systems recordkeeping and reporting requirements in accordance with (n)3 below. The rule summaries for the requirements set forth in the

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Civil Administrative Penalty Schedule in this subsection are provided for informational purposes only and have no legal effect.

1. The Department shall determine the amount of civil administrative penalty for violations of N.J.A.C. 7:27-8.3(e) and 7:27-22.3(e) as indicated by continuous monitoring systems on the basis of the severity level, duration of the offense and the size or nature of the source operation associated with the violation as follows:
 - i. Table 1 of this section shall be used to determine the level of offense, based on the percentage or amount of differential from the standard or allowable set forth in the Preconstruction Permit or Operating Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:27-22.
 - ii. Tables 2A or 2B of this section shall be used to determine the amount of the base penalty. The level of offense determined from Table 1 is used in conjunction with either Table 2A (for any major source operation) or Table 2B (for any minor source operation) as defined in the corresponding footnotes below Tables 2A and 2B.
 - iii. Table 3 shall be used to determine a multiplier which shall be applied to the base penalty from either Table 2A or 2B. The multipliers included in Table 3 each correspond to the duration of the offense or the length of the

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averaging time provided in the Preconstruction Permit or Operating Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:27-22. The base penalty determined from Table 2A or 2B is multiplied by the appropriate Table 3 multiplier to determine the penalty amount of the offense.

CONTINUOUS MONITORING SYSTEMS ⁷
TABLE 1

LEVEL OF OFFENSE	CONTINUOUS EMISSION MONITORS			CONTINUOUS PROCESS MONITORS		
	AIR CONTAMINANTS (% above allowable emission rate or concentration)	OPACITY	OXYGEN (%)	pH	TEMPERATURE degrees Rankine (°F +460)	OTHER MINIMUM OR MAXIMUM SPECIFICATIONS ²
LEVEL I	Greater than 0% up to and including 25%	Greater than the standard up to and including 20%	75% to less than 100% of the minimum oxygen concentration	pH differential of less than 2	Any deviation greater than 0% up to and including 5% of the standard	Any deviation greater than 0% up to and including 25% of the standard
LEVEL II	Greater than 25% up to and including 50%	Greater than 20% up to and including 40%	50% to less than 75% of the minimum oxygen concentration	pH differential of 2 through 5	Any deviation greater than 5% up to and including 15% of the standard	Any deviation greater than 25% up to and including 50% of the standard
LEVEL III	Greater than 50%	Greater than 40%	Less than 50% of the minimum oxygen concentration	pH differential of greater than 5	Any deviation greater than 15% of the standard	Any deviation greater than 50% of the standard

¹ If applicable, use Level of Offense established in the Preconstruction Permit or Operating Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:27-22, if different from Table 1.

² e.g., Pressure Drop, Flow Rate, Oxidation Reduction Potential, etc.

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CONTINUOUS MONITORING SYSTEMS

TABLE 2A MAJOR SOURCE OPERATION ³	
LEVEL	Base Penalty
I	\$200
II	\$400
III	\$1,000

TABLE 2B MINOR SOURCE OPERATION ⁴	
LEVEL	Base Penalty
I	\$100
II	\$200
III	\$500

TABLE 3	
Averaging time or duration	Multiplier
≤ 30 minutes	1
> 30 min & ≤ 1 hr	2
> 1 hr & ≤ 3 hr	4
> 3 hr & ≤ 8 hr	6
> 8 hr & ≤ 24 hr	8
> 24 hr	10
> 8 hr & ≤ 24 hr	8
> 24 hr	10

³ Any source operation with estimated potential emissions without control of greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x or air contaminants regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) based on Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:27-22.

⁴ Any source operation with estimated potential emissions without control of 22.8 pounds per hour or less, or 5.7 pounds per hour or less for VOC and NO_x based on a Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or an Operating Certificate issued pursuant to N.J.A.C. 7:27-22.

2. The violations of N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(d) or (e) for continuous monitoring systems not installed, out of service or out of control and the civil administrative penalty amounts for each violation are set forth in the following Table:

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(d) and (e)	Continuous Monitoring Systems Not Installed, Out of Service, Or Out of Control					
Class:						
1. Major Source Operation ³						
	Each day through day five ⁵	NM	\$200 ⁶	\$400 ⁶	\$1,000 ⁶	\$3,000 ⁶
	Day six and each subsequent day thereafter ⁵	NM	\$500 ⁶	\$1,000 ⁶	\$2,500 ⁶	\$7,500 ⁶
2. Minor Source Operation ⁴						
	Each day through day five ⁵	NM	\$100 ⁶	\$200 ⁶	\$500 ⁶	\$1,500 ⁶
	Day six and each subsequent day thereafter ⁵	NM	\$250 ⁶	\$500 ⁶	\$1,250 ⁶	\$3,750 ⁶

3. The violations of N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(e) for continuous monitoring systems recordkeeping and reporting requirements and the civil administrative penalty amounts for each violation are set forth in the following Table:

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Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(e)	Comply with Preconstruction Permit, Certificate and Operating Certificate Requirements for Continuous Monitoring Systems					
Class:						
1. Keep Records ⁵		<u>NM</u>	\$5,00 ⁶	\$10,00 ⁶	\$2,500 ⁶	\$7,500 ⁶
2. Submit Reports ⁵		<u>M</u>	\$300 ⁶	\$600 ⁶	\$1,500 ⁶	\$4,500 ⁶

³ Any source operation with estimated potential emissions without controls of greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO_x, or air contaminants regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) based on Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or Operating Permit issued pursuant to N.J.A.C. 7:22.

⁴ Any source operation with estimated potential emissions without controls of 22.8 pounds per hour or less, or 5.7 pounds per hour or less for VOC and NO_x, based on a Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or an Operating Permit issued pursuant to N.J.A.C. 7:27-22.

⁵ Number of days after subtracting downtime allowance pursuant to N.J.A.C. 7:27-1, or a Preconstruction Permit or Certificate issued pursuant to N.J.A.C. 7:27-8 or an Operating Permit issued to N.J.A.C. 7:27-22.

⁶ Per continuous monitor.

⁷ For instance, a Preconstruction Permit and Operating Certificate issued pursuant to N.J.A.C. 7:27-8 or an Operating Permit issued pursuant to N.J.A.C. 7:27-22 requires that for any 1-hour period, the average concentration of nitrogen oxides (NO_x) in the stack gas shall not exceed 300 parts per million by volume as determined by continuous monitoring. A violator emitted NO_x from a major source operation at an hourly averaged concentration rate of 350 parts per million by volume. Using Table 1, determine the level of offense for the air contaminant (NO_x). Because the violator emitted NO_x at a concentration less than 25% above the allowable, the Level of Offense is Level I. The source operation is considered major because it emits NO_x in excess of 5.7 pounds per hour. Using Table 2A for a major source operation, determine the base penalty that corresponds to Level I. The base penalty for a Level I offense for a major source operation is \$200. Using Table 3, determine the multiplier corresponding to a 1 hour averaging time. Multiply \$200 by 2, the multiplier from Table 3. The penalty for the offense is \$400.

(o)-(p) (No Change)

(q) Each violation identified in the penalty tables at (m) and (n) above by an "M" in the Type of Violation column, for which conditions at (s) below are satisfied,

is a minor violation, and is subject to a 30-day grace period.

(r) Each violation identified in the penalty tables at (m) and (n) above by an “NM” in the Type of Violation column is a non-minor violation and will not be subject to a grace period.

(s) The Department shall provide a grace period of 30 days for any violation identified as minor under this section, provided the following conditions are met:

- 1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;**
- 2. 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;**
- 3. In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;**
- 4. In the case of a violation that does not involve a permit, the person responsible for the violation has not been notified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and**

5. 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.

(t) For a violation determined to be minor under (s) above, the following provisions apply:

1. The Department or local government agency shall issue a notice of violation to the person responsible for the minor violation that:

- i. Identifies the condition or activity that constitutes the violation and the specific statutory provision or other requirement violated; and**
- ii. Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified grace period.**

2. If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (t)3 below, that compliance has been achieved within the specified grace period, the Department or local government agency shall not impose a penalty for the violation and, in addition, shall not consider the minor violation an offense as defined in this chapter.

3. The person responsible for the minor violation shall submit to the Department or a local government agency, before the end of the specified

grace period, written information, certified in accordance with N.J.A.C. 7:27-1.39, and signed by the responsible official, as defined at N.J.A.C. 7:27-1.4, detailing the corrective action taken or compliance achieved.

4. If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period. The request shall be made in writing no later than one week before the expiration of the specified grace period and include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance, and shall be certified in accordance with N.J.A.C. 7:27-1.39. The Department may, at its discretion, approve in writing an extension which shall not exceed 90 days, to accommodate for the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Department may consider the following:

- i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;**
- ii. Whether the delay has been caused by circumstances beyond the control of the violator;**
- iii. Whether the delay will pose a risk to the public health, safety and natural resources; and**
- iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.**

5. If the person responsible for the minor violation fails to demonstrate to the Department or local government agency that the violation has been corrected and compliance achieved within the specified grace period, or within the approved extension, if any, the Department or local government agency may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date on which the notice of violation under (t)1 was issued.

6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

7:27A-3.11 Civil administrative penalty for violations of N.J.S.A. 26:2C-19(e)

(a) The Department shall determine the amount of the civil administrative penalty for violations in this section on the basis of the provision violated and the frequency of the violation as follows:

Citation	<u>Type of Violation</u>	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.S.A. 26:2C-19(e), failure to immediately notify the Department of release of air contaminants in a quantity or concentration which poses a potential threat to public health, welfare or the environment	<u>NM</u>	\$2,000	\$4,000	\$10,000	\$30,000
N.J.S.A. 26:2C-19(e), failure to immediately notify the Department of release of air contaminants in a quantity or concentration which might reasonably result in citizen complaints, but which does not pose a potential threat to public health, welfare or the environment	<u>M</u>	\$200	\$400	\$1,000	\$3,000

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Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order No. 27 (1994), permits the public to understand accurately and plainly the purposes and expected consequences of this proposed re-adoption with amendments. I hereby authorize this proposal.

Date: _____

Bradley M. Campbell, Commissioner
Department of Environmental Protection