

THIS IS A COURTESY COPY OF THIS NOTICE. THE OFFICIAL VERSION WILL BE PUBLISHED IN THE APRIL 15, 2013 NEW JERSEY REGISTER. SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS TEXT AND THE OFFICIAL VERSION OF THE NOTICE, THE OFFICIAL VERSION WILL GOVERN.

ENVIRONMENTAL PROTECTION

COMPLIANCE AND ENFORCEMENT

Air Administrative Procedures and Penalties

Readoption: N.J.A.C. 7:27A

Authority: N.J.S.A. 13:1B-3; 13:1D-1 et seq.; 13:1D-125 to 134; and 26:2C-1 et seq., particularly 26:2C-8, 9.2, and 19.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: March 21, 2013.

New Expiration Date: March 21, 2020.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Air Administrative Procedures and Penalties rules at N.J.A.C. 7:27A are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on April 21, 2013. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c, timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The rules govern the Department's assessment of civil administrative penalties for violations of the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., including violation of any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued, pursuant to the Act. The rules also govern the procedures for requesting an adjudicatory hearing on a notice of civil administrative penalty assessment or an administrative order.

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The Department published a proposal of amendments to the Air Administrative Procedures and Penalties rules on August 20, 2012. (44 N.J.R. 2092(a).) The proposed changes relate to the Department's consideration of environmental impact (if any) when adjusting penalty amounts, establish penalties for violations of the rules regarding low emission vehicles, for which penalties were not previously provided, and amend the penalty matrices to designate certain violations as "minor" or "non-minor" for purposes of eligibility for a grace period to correct the violations without penalty. Any further action on those proposed amendments would be the subject of a separate notice in the New Jersey Register.