

(c) The local governing body and the local board of health shall coordinate all responses to the discharge with the Department.

#### 7:1E-5.11 Amendment of plans following a discharge

(a) Following submission of a confirmation report pursuant to N.J.A.C. 7:1E-5.8, the Department may review a facility's DPCC and DCR plans and may require the owner or operator of the facility to amend the plans if it finds that a plan does not meet the requirements of this chapter or that amendment of the plan is necessary to prevent and contain similar discharges.

(b) Amendments required by the Department shall become part of the DPCC or DCR plan within 30 days after approval by the Department, unless the Department specifies another effective date. The owner or operator shall implement the amendment of the plan as soon as possible,

in accordance with a schedule submitted by the owner or operator and approved by the Department.

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### SUBCHAPTER 6. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

#### 7:1E-6.1 Scope

This subchapter shall govern the Department's assessment of civil administrative penalties for violation of any provision of the Act, including any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant to the Act. This subchapter shall also govern the procedures for requesting an adjudicatory hearing on a notice of civil administrative penalty assessment, an administrative order, conditions of approval for any plan, or amendment to a plan, or a denial or revocation of approval of a plan or amendment to a plan required under the Act.

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**7:1E-6.2 Applicability**

(a) The Department may assess a civil administrative penalty of not more than \$50,000 for any discharge less than 100,000 gallons, not more than \$10,000,000 for any discharge of 100,000 gallons or more, and not more than \$50,000 for each violation of the Act or of any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant to the Act.

(b) Each violation of any provision of the Act, or any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant thereto shall constitute a separate and distinct offense.

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

(d) The Department may, in its discretion, treat an offense as a first offense solely for civil administrative penalty determination purposes, if the violator has not committed the same offense in the five years immediately preceding the date of the pending offense.

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

**7:1E-6.3 Procedures for issuance of administrative orders and assessment, settlement and payment of civil administrative penalties**

(a) In order to assess a civil administrative penalty under the Act, for violation of the Act or any rule, regulation, plan, information request, access request, order or directive promulgated or issued pursuant to the Act, the Department shall, by means of an administrative order or notice of civil administrative penalty assessment, notify the violator by certified mail (return receipt requested) or by personal service. The Department may, in its discretion, assess a civil administrative penalty for more than one offense in a single administrative order or notice of civil administrative penalty assessment or in multiple administrative orders or notices of civil administrative penalty assessment. This Administrative Order or Notice of Civil Administrative Penalty Assessment shall:

1. Identify the section of the Act, rule, plan, request, order or directive violated;
2. Concisely state the facts which constitute the violation;
3. Order such violation to cease;
4. Specify the amount of the civil administrative penalty to be imposed; and

5. Advise the violator of the right to request an adjudicatory hearing pursuant to the procedures in N.J.A.C. 7:1E-6.4.

(b) Payment of the civil administrative penalty is due upon receipt by the violator of the Department's Final Order in a contested case or when a Notice of Civil Administrative Penalty becomes a Final Order, as follows:

1. If no hearing is requested pursuant to the procedures in N.J.A.C. 7:1E-6.4, a Notice of Civil Administrative Penalty Assessment becomes a Final Order on the 21st calendar day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;

2. If the Department denies the hearing request pursuant to N.J.A.C. 7:1E-6.4(a), a Notice of Civil Administrative Penalty becomes a Final Order and is deemed received on the 21st day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;

3. If the Department denies the hearing request pursuant to N.J.A.C. 7:1E-6.4(c), a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt by the violator of such denial; or

4. If the Department grants the hearing request, a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt of a Final Order in a contested case.

(c) If a civil administrative penalty is not paid within 30 calendar days of the date of a Final Order, and the penalty is not contested pursuant to N.J.A.C. 7:1E-6.4, or any payment pursuant to a payment schedule entered into with the Department is not made, an interest charge shall accrue on the amount of the penalty from the 30th calendar day that amount was due and owing.

(d) If a civil administrative penalty is appealed pursuant to N.J.A.C. 7:1E-6.4, and the amount of the penalty is upheld, in whole or in part, a rate of interest shall be calculated on that amount as of the 30th calendar day from the date the amount was due and owing under the administrative order.

(e) The rate of interest charged on any late penalty shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(f) The Department may assess and recover, by civil administrative order, the costs of any investigation, cleanup or removal, and the reasonable costs of preparing and successfully enforcing a civil administrative penalty. The assessment may be recovered at the same time as a civil administrative penalty, and shall be in addition to the penalty assessment.

(g) Any person who violates a provision of the Act or a Court order issued pursuant thereto, or who fails to pay a

civil administrative penalty in full or to agree to a schedule of payments therefor, shall be subject to a civil penalty not to exceed \$50,000 per offense. Any penalty so incurred may be recovered with costs in a summary proceeding pursuant to N.J.S.A. 2A:58-1 et seq. in the Superior Court or a municipal court.

(h) Any conveyance used or intended for use in the willful discharge of a hazardous substance is subject to forfeiture to the State.

(i) The Department may, in its discretion, settle any Civil Administrative Penalty assessed pursuant to N.J.A.C. 7:1E-6.5, 6.6, 6.7 or 6.8 according to the following factors:

1. Mitigating or extenuating circumstances not previously considered in the Notice of Civil Administrative Penalty Assessment pursuant to N.J.A.C. 7:1E-6.8;
2. The timely implementation by the violator of measures leading to compliance not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5 or 6.8;
3. The full payment by the violator of a specified part of the Civil Administrative Penalty assessed if made within a time period established by the Department in an administrative order and provided that the violator waives the right to request an adjudicatory hearing on the Civil Administrative Penalty; or
4. Any other terms or conditions acceptable to the Department not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:1E-6.5, 6.6, 6.7 or 6.8.

Amended by R.1996 d.252, effective June 3, 1996.  
See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

#### **7:1E-6.4 Procedures for requesting and conducting adjudicatory hearings**

(a) If the Department does not receive a hearing request within 20 calendar days after receipt by the violator of an administrative order or notice of civil administrative penalty assessment, conditions of approval for any plan, or amendment to a plan, or denial or revocation of approval of any plan or amendment being challenged, the Department shall deny the hearing request.

(b) To request an adjudicatory hearing to contest an administrative order or notice of civil administrative penalty assessment issued pursuant to the Act, or conditions of approval for any plan, or amendment to a plan, or the denial or revocation of approval of any plan or amendment to a plan required pursuant to the Act, the violator shall submit the following information in writing to the Department of the address in (e) below:

1. The name, address, and telephone number of the violator and its authorized representative;

2. The violator's defenses to each of the Department's findings of fact in the administrative order or notice of civil administrative penalty assessment stated in short and plain terms;

3. An admission or denial of each of the Department's findings of fact in the administrative order or notice of civil administrative penalty assessment, or denial or revocation of approval of a plan or amendment to a plan. If the violator is without knowledge or information sufficient to form a belief as to the truth of a finding, the violator shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the violator intends in good faith to deny only a part or a qualification of a finding, the violator shall specify so much of it as is true and material and deny only the remainder. The violator may not generally deny all of the findings, but shall make all denials as specific denials of designated findings. For each finding the violator denies, the violator shall allege the fact or facts as the violator believes it or them to be;

4. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;

5. An estimate of the time required for the hearing (in days and/or hours); and

6. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(c) If the violator fails to include all the information required by (b) above, the Department may deny the hearing request.

(d) All adjudicatory hearings shall be conducted in accordance with the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(e) Requests for adjudicatory hearings shall be sent to:

Office of Legal Affairs  
New Jersey Department of Environmental Protection  
PO Box 402  
Trenton, New Jersey 08625-0402  
Attention: Hearing Request

Amended by R.2000 d.352, effective August 21, 2000.  
See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

#### **7:1E-6.5 Civil administrative penalty determination—general**

(a) For violations other than those set forth in N.J.A.C. 7:1E-6.6 through 6.8, the Department may assess a civil administrative penalty for offenses described in this subchapter within the following ranges:

1. Up to \$20,000 for the first offense;

2. Up to \$35,000 for the second offense; and
3. Up to \$50,000 for the third and each subsequent offense.

(b) The Department may, in its discretion, set the amount determined pursuant to (a) above to assess a civil administrative penalty on the basis of the following factors:

1. The compliance history of the violator;
2. The number, frequency and severity of the offense(s);
3. The measures taken by the violator to mitigate the effects of the current offense and to prevent future offenses;
4. The deterrent effect of the penalty; or
5. Other specific circumstances of the violator or offense.

**7:1E-6.6 Civil administrative penalty for submitting inaccurate or false information**

(a) The Department may assess a civil administrative penalty against each violator who submits inaccurate information or who makes a false statement, representation, or certification in any DPCC plan, DCR plan, registration, record, or other document submitted or maintained, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Act or any rule, regulation, plan, order or directive pursuant thereto.

(b) Each time the violator submits inaccurate or false information to the Department shall be an additional, separate, and distinct offense.

(c) The Department shall determine the amount of the civil administrative penalty for offenses described in this section based on the conduct of the violator as follows:

1. For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty, for each act or omission, is up to \$20,000 for the first offense, up to \$40,000 for the second offense, and up to \$50,000 for the third and each subsequent offense; and
2. For all other conduct, the civil administrative penalty, for each act or omission, is up to \$1,000 for the first offense, up to \$2,000 for the second offense, and up to \$5,000 for the third and each subsequent offense.

**7:1E-6.7 Civil administrative penalty for failure to allow lawful entry and inspection**

(a) The Department may assess a civil administrative penalty against each violator who refuses, inhibits or prohibits immediate lawful entry and inspection of any premises, building, vessel or place, except private residences, by an authorized Department representative.

(b) Each day that a violator refuses, inhibits or prohibits immediate lawful entry and inspection of any premises, building, or place, except private residences, by an authorized Department representative, shall be an additional, separate and distinct offense.

(c) The amount of the civil administrative penalty for offenses described in this section is up to \$10,000 for the first offense, up to \$20,000 for the second offense, and up to \$50,000 for the third and each subsequent offense.

**7:1E-6.8 Civil administrative penalties for violations of rules adopted pursuant to the Act**

(a) Civil administrative penalties for offenses described in (c)2 and 4 below shall not be assessed until the time allotted under the applicable schedule for upgrading approved by the Department has expired.

(b) Civil administrative penalties for offenses described in (c)2 and 4 below shall apply to major facilities only. All other civil administrative penalties shall apply to all persons.

(c) The Department shall determine the amount of the civil administrative penalty for offenses described in this section on the basis of the provision violated and the frequency of the violation. Violations identified as minor or non-minor in accordance with N.J.S.A. 13:1D-125 et seq. are set forth in this section. The Department will provide a grace period for any violation identified as minor, in accordance with N.J.A.C. 7:1E-6.9. The number of each of the following paragraphs corresponds to the number of the corresponding subchapter in N.J.A.C. 7:1E.

1. The violations of N.J.A.C. 7:1E-1, General provisions, and the civil administrative penalties for each violation are as set forth in the following table, unless modified by (d) below. In no case shall the assessed penalty be less than zero or more than the statutory limit.

<u>Citation</u> N.J.A.C. 7:1E-1.11(a)	<u>Minor<sup>3</sup></u> NM	<u>Minor Days<sup>4</sup></u>
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Base Penalty for each Violation

<u>Gallons</u>	<u>Penalty</u>
>0-9	\$ 500
10-55	\$ 1,000
56-499	\$ 2,000
500-999	\$ 3,000
1,000-4,999	\$ 5,000
5,000-9,999	\$ 7,500
10,000-19,999	\$ 10,000
20,000-29,999	\$ 15,000
30,000-39,999	\$ 20,000
40,000-49,999	\$ 25,000
50,000-59,999	\$ 30,000
60,000-69,999	\$ 35,000
70,000-79,999	\$ 40,000
80,000-89,999	\$ 45,000
90,000-99,999	\$ 50,000
100,000-149,999	\$ 75,000
150,000-199,999	\$ 100,000
200,000-299,999	\$ 200,000
300,000-399,999	\$ 400,000
400,000-499,999	\$ 800,000
500,000-599,999	\$ 1,000,000
600,000-699,999	\$ 2,000,000
700,000-799,999	\$ 3,000,000
800,000-899,999	\$ 4,000,000
900,000-999,999	\$ 5,000,000
1,000,000-1,999,999	\$ 6,000,000
2,000,000-2,999,999	\$ 7,000,000
3,000,000-3,999,999	\$ 8,000,000
4,000,000-4,999,999	\$ 9,000,000
5 million or greater	\$ 10,000,000

The base penalty may be reduced or increased by applying the following factors <sup>1</sup>:

Cause of Discharge	
Intentional or Gross Negligence	—50% increase from base
Accidental	—50% reduction from base
Homeowner	—75% reduction from base
Initiate Response to Discharge (from the time the discharge was detected or should have been detected):	
Over 2 hours	—20% increase from base
Within 2 hours	—No change from base
Within 1 hour	—20% reduction from base
Within 15 minutes	—40% reduction from base

Area of Impact:

Into waters of the State	—30% increase from base
Off the facility but not into waters of the State	—No change from base
Contained on the facility but not into waters of the State	—30% reduction from base

Discharge History (Number of discharges not contained on the facility within the previous 12 months):

Five or more discharges	—100% increase from base
1-4 discharges	—50% increase from base
Zero discharges	—No change from base

<sup>1</sup> The penalty for each violation is calculated by summing the base penalty and the resultant percentage of the base penalty for each of the applicable factors.

2. The violations of N.J.A.C. 7:1E-2, Prevention and Control of Discharges at Major Facilities, and the civil administrative penalty amounts for each violation are as set forth in the following table, unless revised pursuant to (d) below:

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
No secondary containment for an aboveground storage tank	2.2(a)1	\$10,000	\$20,000	\$50,000	NM	
Failure to surface the base underlying a storage tank with impermeable material	2.2(a)2	\$ 5,000	\$10,000	\$15,000	NM	
Failure to equip a pipe with remotely activated or readily accessible valves	2.2(a)3	\$ 2,000	\$ 4,000	\$10,000	M	90
Failure to perform initial integrity testing or static head product testing	2.2(a)4	Penalty assessed on a per tank basis			NM	
<u>Size of Tank (gallons)</u>						
2,001-10,000		\$ 250	\$ 500	\$ 1,250		
10,001-20,000		\$ 500	\$ 1,000	\$ 2,500		
20,001-50,000		\$ 1,250	\$ 2,500	\$ 6,250		
50,001-100,000		\$ 2,500	\$ 5,000	\$12,500		
100,001-200,000		\$ 5,000	\$10,000	\$25,000		
200,001-300,000		\$ 7,500	\$15,000	\$37,500		
300,001 and greater		\$10,000	\$20,000	\$50,000		
Failure to perform subsequent integrity testing	2.2(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to perform internal inspections	2.2(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
		Penalty assessed on a per tank basis				
Failure to submit summary test results	2.2(a)5	\$ 1,000	\$ 2,000	\$ 5,000	NM	30
		Penalty assessed on a per tank basis				
Failure to perform initial integrity testing on a new tank	2.2(a)6				NM	
<u>Size of Tank (gallons)</u>						
2,001-10,000		\$ 250	\$ 500	\$ 1,250		
10,001-20,000		\$ 500	\$ 1,000	\$ 2,500		
20,001-50,000		\$ 1,250	\$ 2,500	\$ 6,250		
50,001-100,000		\$ 2,500	\$ 5,000	\$12,500		
100,001-200,000		\$ 5,000	\$10,000	\$25,000		
200,001-300,000		\$ 7,500	\$15,000	\$37,500		
300,001 and greater		\$10,000	\$20,000	\$50,000		
Failure to take a tank out of service following a failed integrity test or inspection	2.2(a)7	\$10,000	\$20,000	\$50,000	NM	
Improper design of heating coil system	2.2(c)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to equip storage with devices capable of detecting overfills and initiating shutdown mechanisms	2.2(d)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to equip storage tanks with a high liquid level pump cutoff device	2.2(d)1	\$ 5,000	\$10,000	\$25,000	M	30
Failure to equip storage tanks with direct communication	2.2(d)2	\$ 5,000	\$10,000	\$25,000	M	30
Failure to equip storage tanks with fast response systems	2.2(d)3	\$ 5,000	\$10,000	\$25,000	M	30

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
Failure to attend storage tanks of 2,000 gallons or less during filling	2.2(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to direct overflow or vent lines into appropriate holding areas	2.2(f)	\$10,000	\$20,000	\$50,000	NM	
Failure to locate mobile or portable storage tanks in areas protected by secondary containment	2.2(g)	\$ 5,000	\$10,000	\$25,000	NM	
Location of mobile or portable storage tanks in areas subject to flooding or washout	2.2(g)	\$10,000	\$20,000	\$50,000	NM	
Failure to equip drum storage areas with adequate secondary containment	2.2(h)	\$10,000	\$20,000	\$50,000	NM	
Failure to equip a tank car or tank truck loading/unloading area with secondary containment	2.3(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to inspect the lowermost drain and all outlets of a tank car or tank truck prior to filling	2.3(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to examine for leakage during filling and secure valves on all manifolds of a tank car or tank truck prior to departure	2.3(c)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide a physical barrier, brake interlock or similar system	2.3(d)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to attend a tank car or tank truck	2.3(e)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly mark in-facility pipes	2.4(a)	\$ 5,000	\$10,000	\$25,000	M	60
Failure to double wall or have adequate secondary containment and a leak detection device for new buried in-facility pipes	2.4(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to equip existing in-facility buried pipe with leak detection devices or to implement a maintenance and repair program	2.4(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to make necessary repairs, upgrades or replacements to exposed in-facility pipe	2.4(d)	\$10,000	\$20,000	\$50,000	NM	
Failure to cap, blank-flange or physically remove in-facility pipe removed from service	2.4(e)	\$10,000	\$20,000	\$50,000	NM	
Improper design of pipe supports	2.4(f)	\$2,000	\$4,000	\$10,000	M	90
Failure to minimize the chance of vehicular collision with in-facility pipe	2.4(g)	\$2,000	\$4,000	\$10,000	NM	
Failure to provide secondary containment for process areas	2.5(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to provide for a hazardous substance which drained into process wastewater lines	2.5(b)	\$ 2,000	\$ 4,000	\$10,000	NM	
Leaks are not prevented from becoming discharges	2.6(a)	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment does not block all probable discharge routes	2.6(c)1	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment does not allow for six inches of rainwater	2.6(c)2	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for storage area has insufficient capacity	2.6(c)2i	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for a loading/unloading area has insufficient capacity	2.6(c)2ii	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for buried pipes has insufficient capacity	2.6(c)2iii	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment for process area has insufficient capacity	2.6(c)2iv	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment is not impermeable or inspected	2.6(c)3	\$ 5,000	\$10,000	\$25,000	NM	
Hazardous substances can escape to the environment	2.6(c)4	\$ 5,000	\$10,000	\$25,000	NM	
Failure to locate catchment basins, etc. so that they are not subject to flooding	2.6(c)5	\$ 5,000	\$10,000	\$25,000	NM	
Incompatible materials stored in the same secondary containment	2.6(c)6	\$ 5,000	\$10,000	\$25,000	NM	
Secondary containment impaired	2.6(c)7	\$ 5,000	\$10,000	\$25,000	NM	
Failure to maintain adequate containment devices	2.6(d)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain adequate containment devices	2.7(b)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain adequate containment devices	2.7(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to deploy a containment device when required	2.7(d)	\$10,000	\$20,000	\$50,000	NM	
Failure to maintain a containment device on standby when required	2.7(e)	\$10,000	\$20,000	\$50,000	NM	

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
Failure to properly deploy a containment device	2.7(f)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly deploy a containment device	2.7(g)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to properly deploy a containment device	2.7(h)	\$ 5,000	\$10,000	\$25,000	NM	
Commencement or continuation of transfer operations during storm conditions	2.7(i)1	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during fires	2.7(i)2	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during transfer system malfunction	2.7(i)3	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during transfer system break	2.7(i)4	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations when there is an apparent discrepancy	2.7(i)5	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during communications breakdown	2.7(i)6	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations when hazardous substances are observed in the water	2.7(i)7	\$15,000	\$30,000	\$50,000	NM	
Commencement or continuation of transfer operations during a discharge	2.7(i)8	\$15,000	\$30,000	\$50,000	NM	
Failure to properly clean up or remove a discharge prior to removing a containment device	2.7(j)	\$20,000	\$40,000	\$50,000	NM	
Failure to retrieve a containment device	2.7(k)	\$ 5,000	\$10,000	\$25,000	M	30
Improper or inadequate illumination of facility transfer connection points	2.8(a)1	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of vessel transfer connection points	2.8(a)2	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of facility work areas	2.8(a)3	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of vessel work areas	2.8(a)4	\$ 5,000	\$10,000	\$25,000	NM	
Improper or inadequate illumination of water surface areas	2.8(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to protect a hazardous substance from being carried off or discharged into flood waters	2.9	\$10,000	\$20,000	\$50,000	NM	
Failure to conduct visual inspections of marine transfer areas	2.10(a)1	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of secondary containment that is not impermeable	2.10(a)2	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of loading or unloading areas	2.10(a)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of process areas	2.10(a)4	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of storage areas and pipes	2.10(a)5	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to conduct visual inspections of equipment and security	2.10(a)6	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to keep documentation of visual inspections	2.10(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to implement a groundwater monitoring program	2.10(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to keep hazardous substances in suitable containers or protect them from the elements and the possibility of leakage	2.11(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to repair, replace or take out of service any leaking equipment	2.11(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to clean up a leak of a hazardous substance	2.11(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to clean up a discharge of a hazardous substance	2.11(c)	\$10,000	\$20,000	\$50,000	NM	
Failure to have adequate quantities of cleanup materials on hand	2.11(d)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain a supply of safety equipment	2.11(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain secondary containment or diversion systems in good repair	2.11(f)	\$10,000	\$20,000	\$50,000	NM	
Failure to implement a training program	2.12(a)	\$10,000	\$20,000	\$50,000	NM	
Failure to provide minimum training consisting of written job descriptions	2.12(b)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide minimum training consisting of procedures to determine ability	2.12(b)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide minimum training consisting of time periods for in-house training	2.12(b)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of general orientation and initial training	2.12(c)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of classroom training	2.12(c)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of on-the-job training	2.12(c)3	\$ 2,000	\$ 4,000	\$10,000	M	30

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3</sup></u>	<u>Minor Days<sup>4</sup></u>
Failure to provide training in the handling of hazardous substances consisting of refresher training	2.12(c)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on cleanup and removal	2.12(d)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of classroom training	2.12(c)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of on-the-job training	2.12(c)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide training in the handling of hazardous substances consisting of refresher training	2.12(c)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on cleanup and removal	2.12(d)1	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on SOPs	2.12(d)2	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on emergency procedures	2.12(d)3	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on equipment familiarization	2.12(d)4	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on operating data	2.12(d)5	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on equipment startup and shutdown	2.12(d)6	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to provide additional training on operating conditions	2.12(d)7	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to specify qualifications of trainers	2.12(e)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to keep documentation of all training	2.12(f)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to have procedures to ensure training of employees of outside contractors	2.12(g)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to provide adequate lighting	2.13(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide adequate security or to follow security procedures	2.13(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to establish standard operating procedures (SOPs)	2.14(a)	\$ 250	\$ 500	\$ 1,000	NM	
		Penalty assessed per SOP				
Failure to have SOPs in all appropriate languages	2.14(a)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the SOPs readily available	2.14(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to make copies of the MSDS or fact sheets readily available	2.14(c)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a process description in an SOP	2.14(d)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures and conditions for normal operation in an SOP	2.14(d)2	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of leak or discharge conditions in an SOP	2.14(d)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of containment systems and leak monitoring in an SOP	2.14(d)4	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures for visual inspections in an SOP	2.14(d)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include process flow sheets in an SOP	2.14(e)1	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include a description of abnormal conditions in an SOP	2.14(e)2	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include pre-startup procedures in an SOP	2.14(e)3	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include startup procedures in an SOP	2.14(e)4	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include shutdown procedures in an SOP	2.14(e)5	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include procedures on maintenance in an SOP	2.14(e)6	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to include logsheets and checklists in an SOP	2.14(e)7	\$ 250	\$ 500	\$ 1,000	M	30
		Penalty assessed per SOP				
Failure to incorporate modifications of procedures into the SOPs prior to implementation	2.14(g)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain and make available a current index of SOPs	2.14(h)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to maintain required records for three years	2.15(a)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to maintain required records for *10 years	2.15(b)	\$ 250	\$ 500	\$ 1,000	NM	

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3</sup></u>	<u>Minor Days<sup>4</sup></u>
Failure to maintain required records for the life of the equipment	2.15(c)	\$ 250	\$ 500	\$ 1,000	NM	
Failure to make required records available for inspection	2.15(d)	\$ 250	\$ 500	\$ 1,000	M	30

3. The violations of N.J.A.C. 7:1E-3, Transmission Pipelines, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3*</sup></u>	<u>Minor Days<sup>4*</sup></u>
Failure to register	3.2(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to include owner/operator information in a registration	3.2(a)1	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include registered agent information in a registration	3.2(a)2	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include storage capacity in a registration	3.2(a)3	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a description of hazardous substances in a registration	3.2(a)4	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include transfer capacity and average daily throughput in a registration	3.2(a)5	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include maps in a registration	3.2(a)6	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a pipe inventory in a registration	3.2(a)7	\$ 250	\$ 500	\$ 1,250	M	30
Failure to include a certification in a registration	3.2(a)8	\$ 250	\$ 500	\$ 1,250	M	30
Failure to report a change in information	3.2(b)	\$ 100	\$ 200	\$ 500	M	30
Failure to conform to 49 CFR 195	3.3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit the required information	3.4(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to submit a summary of the action plan	3.4(a)1	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit a list of containment and removal equipment	3.4(a)2	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit a list of trained personnel	3.4(a)3	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit information about the response coordinator	3.4(a)4	\$ 250	\$ 500	\$ 1,250	M	30
Failure to submit procedures for determining recycling or disposal options	3.4(a)5	\$ 250	\$ 500	\$ 1,250	M	30

4. The violations of N.J.A.C. 7:1E-4, Plans, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

<u>Category of Offense<sup>2</sup></u>	<u>Citation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third or Subsequent Offense</u>	<u>Minor<sup>3*</sup></u>	<u>Minor Days<sup>4*</sup></u>
Failure to appoint a response coordinator	4.2(a)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to maintain on-site and make available a facility inventory	4.2(f)1	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available updated diagrams	4.2(f)2	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available SOPs	4.2(f)3	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available an emergency response plan	4.2(f)4	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available job classifications and descriptions	4.2(f)5	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to maintain on-site and make available housekeeping and maintenance procedures and records	4.2(f)6	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to perform an annual emergency response drill and critique it in writing	4.3(a)4	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to have adequate cleanup equipment and personnel available	4.3(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to demonstrate financial responsibility	4.4(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to demonstrate financial responsibility in the full amount	4.4(b)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to notify of bankruptcy commencement	4.4(o)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to submit a DPCC and DCR plan	4.5 (b)				NM	
DPCC/DCR Plan due by:						
August 1, 1994	4.5(b)6	\$ 2,000	\$ 4,000	\$10,000		
February 1, 1994	4.5(b)5	\$ 4,000	\$ 8,000	\$20,000		
August 1, 1993	4.5(b)4	\$ 6,000	\$12,000	\$30,000		

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
February 1, 1992	4.5(b)1	\$ 8,000	\$16,000	\$40,000		
August 1, 1992	4.5(b)2	\$10,000	\$20,000	\$50,000		
February 1, 1993	4.5(b)3	\$12,000	\$24,000	\$50,000		
Failure to submit a DPCC and DCR plan for a newly designated major facility	4.5(c)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit a DPCC and DCR plan for a new major facility	4.5(d)	\$ 6,000	\$12,000	\$30,000	NM	
Failure to submit information when requested by the Department	4.5(g)	\$ 1,000	\$ 2,000	\$ 5,000	M	30
Failure to submit copy of approved plan	4.5(h)	\$ 250	\$ 500	\$ 1,250	M	30
Failure to implement an approved DPCC or DCR plan	4.6(g)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to maintain copy of the plan on-site	4.6(i)	\$ 250	\$ 500	\$ 1,250	NM	
Failure to resubmit an acceptable plan	4.7(c)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide notice of new construction, installation or modification	4.8(a)	\$ 1,000	\$ 4,000	\$ 5,000	NM	
Failure to submit an amendment	4.8(b)	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to implement an approved amendment	4.8(d)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit information changes	4.8(e)	\$ 2,000	\$ 4,000	\$10,000	M	30
Failure to renew DPCC/DCR plans	4.9	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide the required certification	4.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(b)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(e)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to provide the required certification	4.11(f)	\$ 2,000	\$ 4,000	\$10,000	NM	

5. The violations of N.J.A.C. 7:1E-5, Notification, Response and Reporting, and the civil administrative penalty amounts for each violation, are as set forth in the following table, unless modified pursuant to (d) below:

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3*</sup>	Minor Days <sup>4*</sup>
Failure to promptly notify the Department of a discharge	5.2(a)	\$ 5,000	\$10,000	\$25,000	NM	
Failure to provide all required information upon notification	5.2(b)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a discharge	5.3(a)	\$ 5,000	\$10,000	\$25,000	NM	
Notification not immediate	5.3(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to provide information on the person reporting the discharge	5.3(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.3(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the name of the hazardous substance discharge	5.3(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide an estimated quantity of each hazardous substance discharged	5.3(c)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide time and date information	5.3(c)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide information on actions taken	5.3(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide information on person(s) responsible	5.3(c)7	\$ 250	\$ 500	\$ 1,000	M	30
Failure to prominently display notification requirements	5.3(d)	\$ 500	\$ 1,000	\$ 2,500	M	
Failure to maintain documentation	5.3(e)1	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department within 24 hours	5.3(e)2	\$ 5,000	\$10,000	\$25,000	NM	
Failure to maintain documentation	5.3(e)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to notify the Department of a discharge of aircraft fuel	5.4(a)	\$ 3,000	\$ 6,000	\$15,000	NM	
Failure to provide the person causing the discharge	5.4(b)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the amount of hazardous substance discharged	5.4(b)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the time the discharge occurred	5.4(b)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the location of the discharge	5.4(b)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide wind speed and direction	5.4(b)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide the area likely to be affected by the discharge	5.4(b)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to notify the Department of a malfunction in a discharge detection system	5.5(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Notification not immediate	5.5(b)	\$ 1,000	\$ 2,000	\$ 5,000	NM	

Category of Offense <sup>2</sup>	Citation	First Offense	Second Offense	Third or Subsequent Offense	Minor <sup>3</sup>	Minor Days <sup>4</sup>
Failure to notify the Department of the status of a malfunctioning discharge detection system	5.5(c)	\$ 1,000	\$ 2,000	\$ 5,000	NM	
Failure to attempt to stop and contain a discharge or to follow the DCR action plan	5.7(a)	\$20,000	\$40,000	\$50,000	NM	
Failure to coordinate any remedial action with the Department	5.7(a)3	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to submit a confirmation report	5.8(a)	\$ 2,000	\$ 4,000	\$10,000	NM	
Failure to include information on the individual that reported the discharge	5.8(c)1	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the individual submitting the report	5.8(c)2	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the owner(s) or operator(s) of where the discharge occurred	5.8(c)3	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the source of the discharge	5.8(c)4	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the location of the discharge	5.8(c)5	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include the name(s) and CAS number(s) of hazardous substance(s) discharged	5.8(c)6	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include quantities of hazardous substances discharged	5.8(c)7	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include date and time information	5.8(c)8	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of the measures taken and costs	5.8(c)9	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include measures taken or proposed	5.8(c)10	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include information on the entities involved in the cleanup	5.8(c)11	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a description of samples taken	5.8(c)12	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include a certification of financial responsibility	5.8(c)13	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include supplemental information	5.8(c)14	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include requested information	5.8(c)15	\$ 250	\$ 500	\$ 1,000	M	30
Failure to include certification	5.8(c)16	\$ 250	\$ 500	\$ 1,000	M	30
Failure to provide additional information	5.8(d)	\$ 250	\$ 500	\$ 1,000	M	30
Failure to file a requested amendment following a discharge	5.11(a)	\$ 2,000	\$ 4,000	\$10,000	NM	

<sup>2</sup> The column headed "Category of Offense" is descriptive in nature and to be used for easy reference only. The rule language cited in the column headed "Citation" shall determine the specific violation.

<sup>3</sup> The column headed "Minor" contains the designation of whether a violation is considered minor or non-minor pursuant to the Compliance Grace Period Law (P.L. 1995, c.296; N.J.S.A. 13:1D-125 to 133) and will be considered for a grace period in accordance with N.J.A.C. 7:1E-6.9. The designation "M" is for a minor violation, and "NM" is for a non-minor violation.

<sup>4</sup> The column headed "Minor Days" establishes, for those violations designated as minor, the number of calendar days the violator will be given to correct the violation and achieve compliance, in accordance with N.J.A.C. 7:1E-6.9.

(d) The Department may modify the amount of a civil administrative penalty under (c) above, based upon any or all of the following:

1. Mitigating or extenuating circumstances;
2. The implementation of prevention measures in addition to those minimally required by applicable statute or rule;
3. The full payment by the violator of a specified part of the civil administrative penalty assessed if made within a time period established by the Department in an administrative order or notice of civil administrative penalty assessment and provided that the violator waives the right to request an adjudicatory hearing on the civil administrative penalty; or
4. Any other circumstances or conditions acceptable to the Department.

Amended by R.1996 d.252, effective June 3, 1996.

See: 27 N.J.R. 2337(a), 27 N.J.R. 2882(a), 28 N.J.R. 2858(a).

Amended by R.1996 d.462, effective October 7, 1996.

See: 28 N.J.R. 2730(a), 28 N.J.R. 4424(b).

Amended by R.2000 d.352, effective August 21, 2000.

See: 31 N.J.R. 3561(a), 32 N.J.R. 3091(a).

In (b), deleted "exclusive of registration requirements"; and in (c), rewrote the tables in 2, 4 and 5.

Amended by R.2001 d.355, effective October 1, 2001.

See: 33 N.J.R. 1255(a), 33 N.J.R. 3518(a).

Rewrote (c).

#### 7:1E-6.9 Conditions of grace period

(a) The Department shall provide a grace period for any violation identified as minor in accordance with the tables at N.J.A.C. 7:1E-6.8, provided that:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;