

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-14.7(a)	Certified Diesel Emission Inspector	NM	\$500	\$750	\$1,500	\$2,500
N.J.A.C. 7:27-14.7(b)	Visual Verification	NM	\$500	\$750	\$1,500	\$2,500
N.J.A.C. 7:27-14.7(d)	Submit Application	M	\$250	\$500	\$750	\$1,500
N.J.A.C. 7:27-14.7(g)	Complete Updates	M	\$250	\$500	\$750 ¹¹	\$1,500 ¹¹
N.J.A.C. 7:27-14.7(h)	Complete Form and Maintain Records	M	\$250	\$500	\$750 ¹¹	\$1,500 ¹¹
N.J.A.C. 7:27-14.7(i) and (k)	Submit Inspection Form	M	\$250	\$500	\$750 ¹¹	\$1,500 ¹¹
N.J.A.C. 7:27-14.8(a)	Certified Diesel Emission Repair Technician	NM	\$500	\$750	\$1,500	\$2,500
N.J.A.C. 7:27-14.8(d)	Submit Application	M	\$250	\$500	\$750	\$1,500
N.J.A.C. 7:27-14.8(g)	Complete Updates	M	\$250	\$500	\$750 ¹²	\$1,500 ¹²
N.J.A.C. 7:27-14.8(h)	Submit Report and Maintain Records	M	\$250	\$500	\$750 ¹²	\$1,500 ¹²
N.J.A.C. 7:27-14.9(c)	Failure to Use Approved Curriculum	M	\$1,000	\$1,500	\$2,500 ¹³	\$5,000 ¹³
N.J.A.C. 7:27-14.9(e)	Training	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
N.J.A.C. 7:27-14.9(f)	Maintain Equipment	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
N.J.A.C. 7:27-14.9(g)	Present Certificate	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
N.J.A.C. 7:27-14.9(h)	Update Training	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
N.J.A.C. 7:27-14.9(i)	Maintain Records	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³
N.J.A.C. 7:27-14.9(j) and (k)	Submit Records	M	\$500	\$750	\$1,500 ¹³	\$2,500 ¹³

¹ The driver of a school bus is not subject to penalty under N.J.A.C. 7:27-14.3(a). The bus driver, school district, and the principal or administrator of the school serviced by the bus will be notified of all violations. After the first violation, the school district, if it is not also the owner of the bus, will be subject to both notice and penalty.

²⁻¹⁰ (Reserved)

¹¹ Revoke certification as a diesel emission inspector under N.J.A.C. 7:27-14

¹² Revoke certification as a diesel emission repair technician under N.J.A.C. 7:27-14

¹³ Revoke approval as a diesel training provider under N.J.A.C. 7:27-14

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	M	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)1	Owner of four or fewer vehicles	NM	\$400	\$800	\$2,000	\$6,000
	Owner of five or more vehicles	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)2	Passenger Vehicle Registration	NM	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	NM	\$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	NM	\$1,000	\$2,000	\$5,000	\$15,000
	Sale/Offer for Sale; Lease/Offer for Lease by owner of five or more vehicles	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-15.7(a)4	Offer for Sale/Sale of Device/Component	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-15.8(a)	Passenger Vehicle Registration	NM	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	NM	\$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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.2(b)	External Surface	NM	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(b)	Control Apparatus	NM	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(c)	Vapor Control System	NM	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.2(d)	Gauging/Sampling	NM	\$500 ³	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.2(h)	Seal-Envelope	NM	\$2,000 ³	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)1	Install and maintain gaskets, covers, sleeves and openings	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(l)2	Install and maintain rim seal system	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)4	Install domed roof	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)5iii	Maintain vapor space LEL	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(l)6i	Install and maintain rim seal system	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)6ii	Maintain vapor space LEL	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(l)7i, ii, iii, v, vi	Install and maintain gaskets, covers, sleeves, openings and vapor space	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(l)7iv	Install and maintain rim seal system	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)8	Install and maintain floating roof or equivalent	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)9	Replace primary seal	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)10	Replace secondary Seal	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)11	Install and maintain covers and openings	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(l)12	Install and maintain floating roof	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(l)13	Install and maintain covers and openings	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(m)	Internal floating roof	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(n) and (o)	Roof Landings	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(p)	Submit control plan	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(q)	Storage tank degassing and cleaning	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(r)	Inspect storage tank	NM	\$600 ³	\$1,200 ³	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(r)6	Maintain storage tank	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(s)	Maintain records	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.2(t)	Maintain records	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.2(u)	Submit report	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(c)	Submerged Fill (Gasoline)	NM	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(d)	Transfer of Gasoline	NM	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(e)	Transfer of Gasoline (Delivery)	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(i)1	Testing	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(i)2 or (i)3	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(l)	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(m)	Transfer of Gasoline (Delivery)	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(n)1	Loading 15,000 gallons or less per day	NM	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.3(n)2	Loading more than 15,000 gallons per day	NM	\$5,000	\$10,000	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-16.3(o)1	Leak	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(o)2	Component	NM	\$800	\$1,600	\$4,000 ³	\$12,000 ³
N.J.A.C. 7:27-16.3(o)3	Spill	NM	\$2,000	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.3(p)	Recertify	M	\$200	\$400	\$1,000 ³	\$3,000 ³
N.J.A.C. 7:27-16.3(q)	Gasoline Loading Facility	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(s)	Records	M	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.4(b)	Submerged Fill (VOC)	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(c)	Transfer of VOC	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(f)	Transfer of VOC (Delivery)	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(i)	Pressure Testing	M	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.4(i)	Certification Display	M	\$100	\$200	\$500 ³	\$1,500 ³
N.J.A.C. 7:27-16.4(j)	Transfer Pressure	M	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(k)	Component	NM	\$800	\$1,600	\$4,000 ³	\$12,000 ³

Amended by R.2009 d.137, effective April 20, 2009 (operative May 19, 2009).

See: 40 N.J.R. 4390(a), 41 N.J.R. 1752(a).

In the table in (m)4, under the "Citation" column, inserted "(a), (b) and (c)" following "N.J.A.C. 7:27-4.2"; in the table in (m)10, inserted the entry for "N.J.A.C. 7:27-10.2(h) and 10.5(a), (b) and (c)"; and rewrote the tables in (m)16 and (m)19.

Case Notes

New rules reducing penalty assessment for remediation of offending odor violation properly applied to reduce penalty for violations that occurred when former rules were in effect. NJDEPE v. American National Can Company, 96 N.J.A.R.2d (EPE) 123.

Debtor charged with excess carbon monoxide emissions was not entitled to stay penalty assessment proceedings based upon subsequent bankruptcy filing. DEPE v. Prospect Industries Corporation, 96 N.J.A.R.2d (EPE) 118.

Failure to submit required emission statement within mandatory time frame warranted assessment of civil administrative penalty. Department

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	Type of Violation	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	NM	\$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.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	M	\$200	\$400	\$1,000	\$3,000

Amended by R.1992 d.102, effective March 2, 1992 (operative March 28, 1992).

See: 23 N.J.R. 1858(b), 24 N.J.R. 792(a).

Reference to TVOS and VOS changed to TXS and VOC.

Amended by R.1995 d.5, effective January 3, 1995 (operative January 27, 1995).

See: 26 N.J.R. 3566(a), 27 N.J.R. 93(a).

Amended by R.2005 d.155, effective May 16, 2005 (operative June 17, 2005).

See: 36 N.J.R. 5293(a), 37 N.J.R. 1789(a).

Rewrote the section.

7:27A-3.12 Economic benefit component of a civil administrative penalty

The Department may, in addition to any other civil administrative penalty assessed pursuant to this subchapter, include

of Environmental Protection and Energy v. Northgate, 95 N.J.A.R.2d (EPE) 190.

Evidence proved air pollution from sewage plant; penalty assessed. Division of Environmental Quality v. Township of Cedar Grove, 92 N.J.A.R.2d (EPE) 252.

Perforation of gasoline pump nozzle "vapor boot"; air pollution penalty assessed. New Jersey Department of Environmental Protection v. Columbus Texaco, 92 N.J.A.R.2d (EPE) 235.

Odor emitted by chemical manufacturing facility constituted air pollution; penalty assessed. Givaudan Corporation v. New Jersey Department of Environmental Protection. 92 N.J.A.R.2d (EPE) 130.

Farmer who obtained permits to perform burning of tree trimmings violated air pollution regulation even though dispersal of ash caused by wind shift; penalty reduced. DeEugenio & Sons v. Division of Environmental Quality. 92 N.J.A.R.2d (EPE) 47.

as a civil administrative penalty the economic benefit (in dollars) which 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 pursuant thereto. If the total economic benefit was derived from more than one offense, the total economic benefit amount may be apportioned among the offenses from which it was derived so as to increase each civil administrative penalty assessment to an amount no greater than \$10,000 for the first offense, no greater than \$25,000 for the second offense, and no greater than \$50,000 for the third offense and each subsequent offense.