

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	CLASS	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)1						
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
For 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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)2						
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
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For 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) Records	M	\$2,000	\$4,000	\$10,000	\$30,000
		M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-11.3(e)2	Sampling and Testing Facilities	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-11.5(b)	Certificate Operating Procedures	M	\$50	\$100	\$250	\$750
		M	\$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	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-12.4(d)	Availability	M	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-12.4(e)	Failure to Submit	M	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-12.5(a)1	Alert	NM	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)2	Warning	NM	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)3	Emergency	NM	\$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:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-13.3(a)1 or 2	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.3(b)1 or 2	Secondary	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.4(a)1 or 2	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.4(b)1, 2 or 3	Secondary	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.5(a)1 or 2	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(a)	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(b)	Secondary	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.7	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.8	Primary	NM	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	NM	\$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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-14.3(a)	Passenger Vehicle Registration	NM	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	NM	\$200	\$400	\$1,000	\$3,000
	Property Owner	NM	\$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	M	\$500	\$1,000	\$2,500	\$7,500

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 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.

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 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.