

CHAPTER 27A

AIR ADMINISTRATIVE PROCEDURES
AND PENALTIES

Authority

N.J.S.A. 13:1D-1 et seq. and 26:2C-1 et seq.,
specifically 26:2C-8 and 26:2C-19.

Source and Effective Date

R.1999 d.423, effective November 9, 1999.
See: 31 N.J.R. 2582(a), 31 N.J.R. 4040(a).

Executive Order No. 66(1978) Expiration Date

Chapter 27A, Air Administrative Procedures and Penalties, expires
on November 9, 2004.

Chapter Historical Note

Chapter 27A, Rules of Practice and Procedure of the Bureau of Air
Pollution Control, was adopted as R.1973 d.165, effective June 21,
1973. See: 5 N.J.R. 221(c). Pursuant to Executive Order No.
66(1978), Chapter 27A expired on October 7, 1985.

Chapter 27A, Air Administrative Procedures and Penalties, was
adopted as new rules by R.1989 d.596, effective December 4, 1989,
operative January 5, 1990. See: 21 N.J.R. 729(a), 21 N.J.R. 3751(a).

Pursuant to Executive Order No. 66(1978), Chapter 27A, Air Admin-
istrative Procedures and Penalties, was readopted as R.1995 d.5, effec-
tive December 2, 1994. See: 26 N.J.R. 3566(a), 27 N.J.R. 93(a), 27
N.J.R. 498(a).

Pursuant to Executive Order No. 66(1978), Chapter 27A, Air Admin-
istrative Procedures and Penalties, was readopted as R.1999 d.423,
effective November 9, 1990. See: Source and Effective Date. See,
also, section annotations.

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SUBCHAPTERS 1 THROUGH 2. (RESERVED)

SUBCHAPTER 3. CIVIL ADMINISTRATIVE
PENALTIES AND REQUESTS FOR
ADJUDICATORY HEARINGS

7:27A-3.1 Scope and purpose

(a) This subchapter shall govern the Department's assess-
ment of civil administrative penalties for violations of the
Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., includ-
ing violation of any rule promulgated, or administrative
order, operating certificate, registration requirement or per-
mit issued pursuant to the Act. This subchapter shall also
govern the procedures for requesting an adjudicatory hear-
ing on a notice of civil administrative penalty assessment or
an administrative order.

(b) The Department may assess a civil administrative
penalty of not more than \$10,000 for the first offense, not
more than \$25,000 for the second offense, and not more
than \$50,000 for the third and each subsequent offense for
each violation of each provision of the Act, or of any rule
promulgated, or administrative order, operating certificate,
registration requirement or permit issued pursuant to the
Act.

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

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

7:27A-3.2 Definitions

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

"Act" means the Air Pollution Control Act (1954), as
amended, N.J.S.A. 26:2C-1 et seq.

“AAQS” means Ambient Air Quality Standards, as defined in N.J.A.C. 7:27-13.

“Continuous emissions monitor” or “CEM” means a device which continuously measures the emissions from one or more source operations.

“Continuous monitoring system” or “CMS” means a system designed to continuously measure various parameters at a facility which may affect or relate to a facility’s emissions. Components of a CMS include, but are not limited to, any continuous emissions monitor (CEM), continuous opacity monitor (COM), continuous process monitor (CPM), or any other constantly operating measuring device and recording device approved by the Department to perform one or more of the functions of a CMS. Ambient monitors, which measure the impact or concentration of air contaminants emitted by the source operation or facility in nearby areas, are not considered part of a facility’s CMS.

“Continuous opacity monitor” or “COM” means a device which continuously measures opacity of flue gases on a continuing basis.

“Continuous process monitor” or “CPM” means an instrument or system which continuously measures an operational parameter at a facility, such as temperature or air flow rate.

“Discrete emission reduction” or “DER” has the meaning set forth in N.J.A.C. 7:27-30.2.

“EHS” means Extraordinarily Hazardous Substance, as defined in N.J.A.C. 7:31-1.

“EOR” means Emission Offset Rule, as set forth in N.J.A.C. 7:27-18.

“HAP (Table C)” means hazardous air pollutant as defined in N.J.A.C. 7:27-8, Appendix 1.

“NESHAPS” means National Emission Standards for Hazardous Air Pollutants, as set forth in 40 CFR 61.

“NSPS” means New Source Performance Standards, as set forth in 40 CFR 60.

“Offense” means each individual violation of the Act or of any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto. Subsequent offenses are not conditioned upon a prior conviction, final order, or entry of judgment. In addition, a single administrative order and notice of civil administrative penalty assessment may relate to more than one offense.

“Oxides of nitrogen” or “NO_x” means all oxides of nitrogen, except nitrous oxide, as measured by test methods approved by the Department and EPA, such as the test methods set forth at 40 CFR 60, Appendix A, methods 7 through 7E.

“Partial pressure” means the pressure exerted by a specified component in a mixture of gases.

“PSDAQ” means Prevention of Significant Deterioration of Air Quality, as set forth in 40 CFR 51.

“Source operation” means any process, or any identifiable part thereof, that emits or can reasonably be anticipated to emit any air contaminant either directly or indirectly into the outdoor atmosphere. A source operation may include one or more pieces of equipment or control apparatus. This term includes the term “emissions unit” as defined at 40 CFR 70.2.

“TXS” means a substance listed as a toxic substance in N.J.A.C. 7:27-17.

“Vapor pressure” means the pressure of the vapor phase of a substance, or the sum of the partial pressure of the vapor phases of individual substances in a mixture of substances, when in equilibrium with the non-vapor phase of the substances.

“Volatile organic compound” or “VOC” means any compound of carbon (other than carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides, and ammonium carbonate) which participates in atmospheric photochemical reactions. For the purpose of determining compliance with emission limits or content standards, VOC shall be measured by test methods in the approved SIP (such as N.J.A.C. 7:27B-3) or 40 CFR Part 60, Appendix A, as applicable, or which have been approved in writing by the Department and are acceptable to EPA. This term excludes those compounds which EPA has excluded from its definition of VOC in the list set forth at 40 CFR 51.100(s)(1), which is incorporated by reference herein, together with all amendments and supplements. As of April 9, 1998, the compounds and classes of perfluorocarbons excluded from EPA’s definition of VOC at 40 CFR 51.100(s) are set forth below:

methane

ethane

methylene chloride (dichloromethane)

1,1,1-trichloroethane (methyl chloroform)

1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)

trichlorofluoromethane (CFC-11)

dichlorodifluoromethane (CFC-12)

chlorodifluoromethane (HCFC-22)

trifluoromethane (HFC-23)

1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)

chloropentafluoroethane (CFC-115)

2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)

1,1,1,2-tetrafluoroethane (HFC-134a)

1,1-dichloro-1-fluoroethane (HCFC-141b)

1-chloro-1,1-difluoroethane (HCFC-142b)

2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)

pentafluoroethane (HFC-125)

1,1,2,2-tetrafluoroethane (HFC-134)

1,1,1-trifluoroethane (HFC-143a)

1,1-difluoroethane (HFC-152a)

parachlorobenzotrifluoride (PCBTF)

cyclic, branched, or linear completely methylated siloxanes

acetone

perchloroethylene (tetrachloroethylene)

3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)

1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)

1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee)

difluoromethane (HFC-32)

ethylfluoride (HFC-161)

1,1,1,3,3,3-hexafluoropropane (HFC-236fa)

1,1,2,2,3-pentafluoropropane (HFC-245ca)

1,1,2,3,3-pentafluoropropane (HFC-245ea)

1,1,1,2,3-pentafluoropropane (HFC-245eb)

1,1,1,3,3-pentafluoropropane (HFC-245fa)

1,1,1,2,3,3-hexafluoropropane (HFC-236ea)

1,1,1,3,3-pentafluorobutane (HFC-365mfc)

chlorofluoromethane (HCFC-31)

1-chloro-1-fluoroethane (HCFC-151a)

1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)

1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃)

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OCH₃)

1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅)

2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅)

methyl acetate

perfluorocarbon compounds which fall into these classes:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations

sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

If there is any conflict between the list at 40 CFR 51.100(s)(1) and the list set forth above, the list at 40 CFR 51.100(s)(1) shall control.

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).

Replaced "TVOS" with "TXS" and "VOS" with definition of "volatile organic compound (VOC)"; added "partial pressure".

Amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).

See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).

Amended by R.1994 d.501, effective October 3, 1994 (operative October 31, 1994).

See: 25 N.J.R. 4045(a), 25 N.J.R. 4836(a), 26 N.J.R. 4030(a).

Administrative Correction.

See: 27 N.J.R. 1406(a).

Amended by R.1996 d.303, effective July 1, 1996 (operative August 2, 1996).

See: 28 N.J.R. 1147(b), 28 N.J.R. 3414(a).

Added "Discrete emission reduction" and "Oxides of nitrogen".

Administrative change.

See: 31 N.J.R. 639(b).

Case Notes

Incineration company violated permit and certificate; penalties imposed based upon current regulations. New Jersey Department of Environmental Protection v. Trofe Incineration Inc. 93 N.J.A.R.2d (EPE) 177.

7:27A-3.3 Procedures for assessment 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 promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant to the Act, the Department shall, by means of an administrative order and 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 and notice of civil administrative penalty assessment or in multiple administrative orders and notices of civil administrative penalty assessment. This Administrative Order and Notice of Civil Administrative Penalty Assessment shall:

1. Identify the section of the Act, rule, administrative order, operating certificate, registration requirement or permit 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. 7:27A-3.4.

(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 Assessment becomes a Final Order, as follows:

1. If no hearing is requested pursuant to the procedures in N.J.A.C. 7:27A-3.4, a Notice of Civil Administrative Penalty Assessment becomes a Final Order on the 21st day following receipt of the Notice of Civil Administrative Penalty Assessment by the violator;
2. If the Department denies the hearing request, a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt by the violator of notice of such denial; or
3. If an adjudicatory hearing is conducted, a Notice of Civil Administrative Penalty Assessment becomes a Final Order upon receipt by the violator of a Final Order in a contested case.

7:27A-3.4 Procedures to request an adjudicatory hearing to contest an administrative order and notice of civil administrative penalty assessment and procedures for conducting adjudicatory hearings

(a) To request an adjudicatory hearing to contest an administrative order and notice of civil administrative penalty assessment issued pursuant to the Act, the violator shall submit the following information in writing to the Department, at Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402:

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 and 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 and notice of civil administrative penalty assessment. 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.

(b) If the Department does not receive the hearing request within 20 days after receipt by the violator of an administrative order and notice of civil administrative penalty assessment being challenged, the Department shall deny the hearing request.

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

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

Administrative change in (a).
See: 23 N.J.R. 3325(b).

7:27A-3.5 Civil administrative penalty determination—general

(a) The Department may assess a civil administrative penalty of not more than \$10,000 for the first offense, not more than \$25,000 for the second offense, and not more than \$50,000 for the third and each subsequent offense against each violator who fails to comply with the Act, or any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto.

(b) Each violation of any provision of the Act, or any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto shall constitute a separate and distinct offense.

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(b) Each violation of any provision of the Act, or any rule promulgated, or administrative order, operating certificate, registration requirement or permit issued pursuant thereto shall constitute a separate and distinct offense.

iv. \$15,000 for the fourth and each subsequent offense.

iv. \$7,500 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:

(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.

i. \$500 for the first offense;

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

ii. \$1,000 for the second offense;

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

iii. \$2,500 for the third offense; and

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

(a) The Department may assess a civil administrative penalty of not more than \$10,000 for the first offense, not more than \$25,000 for the second offense, and not more than \$50,000 for the third and each subsequent offense for each violation of the Act or of any rule promulgated pursuant to the Act listed in (m) and (n) below.

(b) Each violation of each provision of the Act, or any rule promulgated pursuant thereto, shall constitute a separate and distinct offense.

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

(d) Except as provided for in (e) and (f) below, 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) For violations of N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(c) or (e) indicated by a continuous monitoring system, the Department shall calculate penalties in accordance with (n)1 below and may, in its discretion for purposes of determining the statutory maximum penalty for an offense, treat an offense as a first offense for civil administrative penalty determination purposes, at the beginning of each calendar quarter.

(f) For violations of N.J.A.C. 7:27-8.3(e) and N.J.A.C. 7:27-22.3(d) or (e) when a continuous monitoring system operates out of control or is out of service, the Department shall calculate penalties in accordance with (n)2 below and may, in its discretion, treat an offense as a first offense for civil administrative penalty determination purposes, if the violator has not committed the same offense in the four consecutive calendar quarters immediately preceding the first day of the calendar quarter during which the pending offense was committed.

(g) Where the civil administrative penalty for a violation of the Act or of any rule promulgated pursuant to the Act may be determined by using more than one provision of this section, the Department may, in its discretion, assess the highest civil administrative penalty that corresponds to the violation, pursuant to the factors listed in N.J.A.C. 7:27A-3.5(e).

(h) 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.

(i) The Department may, in its discretion, accept discrete emission reduction (DER) credits, that have been verified pursuant to N.J.A.C. 7:27-30.10, in full or partial settlement of a monetary penalty in accordance with the procedures for credit use at N.J.A.C. 7:27-30. In determining whether to allow the use of DER credits in full or partial settlement of a penalty and the appropriate amount to accept, the Department shall consider whether the cost associated with acquiring the credits provides a sufficient deterrent to future violation.

(j) The Department may, in its discretion prior to assessment of a civil administrative penalty, adjust the amount of any penalty determined under this section pursuant to the factors listed in N.J.A.C. 7:27A-3.5(e).

(k) For violations of N.J.A.C. 7:27-22.3(a) and (b), the Department shall calculate penalties in accordance with the Civil Administrative Penalty Schedule in (m) below by adding the penalty amounts for each source operation within a facility that is subject to N.J.A.C. 7:27-22. The daily penalty for such violations shall not exceed the amounts set forth in (a) above.

(l) Footnotes 3, 4, and 8 set forth in the Civil Administrative Penalty Schedule in (m) below are intended solely to put violators on notice that in addition to assessing a civil administrative penalty, the Department may also revoke the violator's Operating Permit, Certificate or variance. These footnotes are not intended to limit the Department's discretion in determining whether or not to revoke an Operating Permit, Certificate or variance, but merely to indicate the situation in which the Department would be most likely to seek revocation.

(m) The violations of N.J.A.C. 7:27 and the civil administrative penalty amounts for each violation are as 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 requirement 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	First	Second	Third	Fourth and
		Offense	Offense	Offense	Each Subsequent Offense
N.J.A.C. 7:27-2.2	Small scale (up to 55 gallon drum or equivalent)	\$300	\$600	\$1,500	\$4,500
	Large scale	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-2.3(a)	Material containing pesticides, dangerous materials and solvents	\$5,000	\$10,000	\$25,000	\$50,000
	Small scale (up to 55 gallon drum or equivalent)	\$200	\$400	\$1,000	\$3,000
	Large scale	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-2.3(b)	Material containing pesticides, dangerous materials and solvents	\$5,000	\$10,000	\$25,000	\$50,000
	Residential	\$100	\$200	\$500	\$1,500
	Commercial	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.3(c)	Residential	\$100	\$200	\$500	\$1,500
	Commercial	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.4	Not acting in accordance with permit	\$1,000	\$2,000	\$5,000	\$15,000

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	First	Second	Third	Fourth and Each
		Offense	Offense	Offense	Subsequent Offense
N.J.A.C. 7:27-3.2	Boiler capacity less than 200×10^6 BTU	\$300 ¹	\$600 ¹	\$1,500 ¹	\$4,500 ¹
	Boiler capacity 200×10^6 BTU or greater	\$1,000 ²	\$2,000 ²	\$5,000 ²	\$15,000 ²
N.J.A.C. 7:27-3.3	Marine Installations	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.4	Mobile Sources	\$400	\$800	\$2,000	\$6,000
N.J.A.C. 7:27-3.5	Stationary Engines	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.6	Facilities and Equipment	\$1,000	\$2,000	\$5,000	\$15,000
	Records	\$400	\$800	\$2,000	\$6,000

¹ Double Penalty If Over One Ringlemann or 20% Opacity

² Double Penalty If Over Two Ringlemann 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	CLASS	First	Second	Third	Fourth and Each
		Offense	Offense	Offense	Subsequent Offense
N.J.A.C. 7:27-4.2	Maximum Actual Emissions				
	For less than 10 pounds per hour:				
	1. Less than 25 percent over the allowable standard	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
	2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-4.4	Sampling & Testing Facilities	\$2,000	\$4,000	\$10,000	\$30,000
	Operation	\$2,000	\$4,000	\$10,000	\$30,000

³ Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)

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:

Citation	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 are, or tend to be, injurious to human health or welfare, animal or plant life or property	\$10,000 ⁷	\$25,000 ⁷	\$50,000 ⁷	\$50,000 ⁷
Maximum Penalty Per Violation				
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				
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 ½ square mile:	15% Reduction from the maximum penalty			
½ 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 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 ½ 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.

⁹ 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)

Citation	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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	\$1,000 ¹	\$2,000 ¹	\$5,000 ¹	\$15,000 ¹
Base Penalty per Violation				
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				
(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:		50% reduction from the base penalty		

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.

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)

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>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³

Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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 Records	\$2,000	\$4,000	\$10,000	\$30,000
	Sampling and Testing Facilities	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-6.5(a)	Variance	\$2,000	\$4,000	\$10,000	\$30,000
		\$2,000 ⁸	\$4,000 ⁸	\$10,000 ⁸	\$30,000 ⁸

² Double Penalty If Over Two Ringlemann 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		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	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2.	From 25 through 50 percent over the allowable standard	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	\$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	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2.	From 25 through 50 percent over the allowable standard	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	\$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	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2.	From 25 through 50 percent over the allowable standard	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-7.2(d), (h) and (j)	Records	\$500	\$1,000	\$2,500	\$7,500
	Monitoring	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-7.2(n)	Sampling and Testing Facilities	\$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		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	\$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	\$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	\$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	\$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	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Rule Summary	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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		\$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		\$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		\$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		\$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		\$2,000	\$4,000	\$10,000	\$30,000

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

Citation	Rule Summary	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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		\$500 ⁴	\$1,000 ⁴	\$2,500 ⁴	\$7,500 ⁴
2. From 25 through 50 percent over the allowable standard		\$1,000 ⁴	\$2,000 ⁴	\$5,000 ⁴	\$15,000 ⁴
3. Greater than 50 percent over the allowable standard		\$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		\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2. From 25 through 50 percent over the allowable standard		\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard		\$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		\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard		\$8,000 ⁴	\$16,000 ⁴	\$40,000 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		\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard		\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard		\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴

Citation	Rule Summary	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-8.3(e)	Preconstruction Permit and Certificate Conditions and Provisions				
Class: Emissions from Source Operation					
1. Less than 0.5 pounds per hour		\$400 ⁵	\$800 ⁵	\$2,000 ⁵	\$6,000 ⁵
2. From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x		\$800 ⁵	\$1,600 ⁵	\$4,000 ⁵	\$12,000 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		\$1,200 ⁵	\$2,400 ⁵	\$6,000 ⁵	\$18,000 ⁵
4. Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x		\$2,000 ⁵	\$4,000 ⁵	\$10,000 ⁵	\$30,000 ⁵

5. Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶	\$3,000	\$6,000	\$15,000	\$45,000
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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 penalties⁵

Citation	Rule Summary			
N.J.A.C. 7:27-8.3(l)	Use DER credits for failure to perform timely testing or failure to install and/or operate control apparatus	Violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.		

Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.4(c)1	Submit Source Specific Testing Protocol	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-8.4(c)3	Conduct Source Specific Testing	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.4(c)4	Provide Notice of Source Specific Testing	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-8.4(c)5	Submit Test Report	\$500	\$1,000	\$2,500	\$5,000
N.J.A.C. 7:27-8.4(c)6	Certify Test Report	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-8.4(f)	Conduct Air Quality Impact Analysis	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.4(g)	Submit Application for Renewal	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-8.4(j)	Conduct Air Quality Impact Analysis	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-8.9(a)	Submit Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-8.9(b)	Submit Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-8.9(c)	Certify Report	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-8.9(d)	Submit Emission Report	\$500	\$1,000	\$2,500	\$7,500

⁴Per 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).

⁵Based 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)

EOB (N.J.A.C. 7:27-18)

TXS (N.J.A.C. 7:27-17)

HAP (N.J.A.C. 7:27-8, Appendix 1, Table B)

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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-9.2(a)	Storage/Sale by User	\$500	\$1,000	\$2,500	\$7,500
	Supplier	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-9.2(b)	User less than 20 × 10 ⁶ BTU	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 20 × 10 ⁶ BTU or more	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-9.2(d)	Mathematical Combination	\$2,000	\$4,000	\$10,000	\$30,000 ³
N.J.A.C. 7:27-9.2(e)	Facility By-Products	\$2,000	\$4,000	\$10,000	\$30,000 ³

³Revoke 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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-10.2(a)	Storage/Sale by User	\$500	\$1,000	\$2,500	\$7,500
	Supplier	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-10.2(b)	User less than 200 × 10 ⁶ BTU	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 × 10 ⁶ BTU or greater	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(e)	User less than 200 × 10 ⁶ BTU	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 × 10 ⁶ BTU or greater	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(f)	User less than 200 × 10 ⁶ BTU	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 × 10 ⁶ BTU or greater	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.2(a)	Multiple Chamber	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.2(c)	Single Fuel-Fed	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	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	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(b)	Smoke	\$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	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(d)	Odors	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(e)1	Monitoring (Density of Smoke) Records	\$2,000	\$4,000	\$10,000	\$30,000
		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-11.3(e)2	Sampling and Testing Facilities	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-11.5(b)	Certificate	\$50	\$100	\$250	\$750
	Operating Procedures	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-12.4(a) and (b)	Standby Plan	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-12.4(d)	Availability	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-12.4(e)	Failure to Submit	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-12.5(a)1	Alert	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)2	Warning	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)3	Emergency	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-13.3(a)1 or 2	Primary	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.3(b)1 or 2	Secondary	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.4(a)1 or 2	Primary	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.4(b)1, 2 or 3	Secondary	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.5(a)1 or 2	Primary	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(a)	Primary	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.6(b)	Secondary	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-13.7	Primary	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-13.8	Primary	\$5,000	\$10,000	\$25,000	\$50,000
	Secondary	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-14.3(a)	Passenger Vehicle Registration	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	\$200	\$400	\$1,000	\$3,000
	Property Owner	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-15.3(d)	Passenger Vehicle Registration	\$ 500	\$1,000	\$ 2,500	\$ 7,500
	Commercial Vehicle Registration	\$1,000	\$2,000	\$ 5,000	\$15,000
N.J.A.C. 7:27-15.7(a)1	Owner of four or fewer vehicles	\$ 400	\$ 800	\$ 2,000	\$ 6,000
	Owner of five or more vehicles	\$1,000	\$2,000	\$ 5,000	\$15,000
N.J.A.C. 7:27-15.7(a)2	Passenger Vehicle Registration	\$ 500	\$1,000	\$ 2,500	\$ 7,500
	Commercial Vehicle Registration	\$1,000	\$2,000	\$ 5,000	\$15,000
N.J.A.C. 7:27-15.7(a)3	Sale/Offer for Sale;	\$1,000	\$2,000	\$ 5,000	\$15,000
	Lease/Offer for Lease by owner of four or fewer vehicles				
	Sale/Offer for Sale;	\$2,000	\$4,000	\$10,000	\$30,000
	Lease/Offer for Lease by owner of five or more vehicles				
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	\$ 100	\$ 200	\$ 500	\$ 1,500
	Commercial Vehicle Registration	\$ 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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.2(b)	External Surface	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(b)	Control Apparatus	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(c)	Vapor Control System	\$1,000 ³	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.2(d)	Gauging/Sampling	\$500 ³	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.2(g)	Floating Roof	\$2,000 ³	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(h)	Seal-Envelope	\$2,000 ³	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.2(i)	Roof Openings	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.2(k)	Records	\$500 ³	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(c)	Submerged Fill (Gasoline)	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.3(c)	Transfer of Gasoline	\$600 ³	\$1,200	\$3,000 ³	\$9,000 ³

Citation	Class	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
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	Pressure Testing	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.3(i)3 or (i)4	Certification Display	\$100 ³	\$200 ³	\$500 ³	\$1,500 ³
N.J.A.C. 7:27-16.3(j)	Transfer Pressure	\$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)	Vapor-Tight Delivery Vessel (Gasoline)	\$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
N.J.A.C. 7:27-16.3(s)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.4(b)	Submerged Fill (VOC)	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(c)	Transfer of VOC	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(f)	Transfer of VOC (Delivery)	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(i)1	Pressure Testing	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.4(i)	Certification Display	\$100	\$200	\$500	\$1,500
N.J.A.C. 7:27-16.4(j)	Transfer Pressure	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(k)	Component	\$800	\$1,600	\$4,000	\$12,000
N.J.A.C. 7:27-16.4(k)1	Leak	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(k)2	Spill	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.4(l)	Vapor-Tight Delivery Vessel (VOC)	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.4(m)	Recertify	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-16.4(o)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.5(b)	Control Apparatus	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(c)	Submittal/Plan	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.5(e)	Ballasting	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(f)1	Leak	\$1,200	\$2,400	\$6,000	\$18,000
N.J.A.C. 7:27-16.5(f)2	Component	\$1,600	\$3,200	\$8,000	\$24,000
N.J.A.C. 7:27-16.5(f)3	Spill	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-16.5(j)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.6(b)	Tank Lids	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.6(c)	Unheated Surface Cleaner 25 square feet or less	\$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	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(e)	Heated Tank	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(f)	Vapor Surface Cleaner	\$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	\$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	\$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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.6(j)	Cold Cleaning Machine	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(j)	Heated Cleaning Machine	\$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	\$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	\$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	\$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	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:				
1. Less than 25 percent over the allowable standard	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
3. Greater than 50 percent over the allowable standard	\$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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds to 22.8 pounds per hour:				
1. Less than 25 percent over the allowable standard	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Citation				
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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Citation				
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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Citation				
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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:				

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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

Citation	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 MMBTU				
1. Less than 25 percent over the allowable standard	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	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	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(e)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(f) or (g)	Failure to Install CEM	\$10,000	\$20,000	\$50,000	\$50,000

Citation	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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	\$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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
3.	Greater than 50 percent over the allowable standard Greater than 50 MW Turbine	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.9(e)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.9(f)	Adjust Combustion	\$2,000	\$4,000	\$10,000	\$30,000
Citation		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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard Greater than 1000 Hp	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
1.	Less than 25 percent over the allowable standard	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.10(d)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.10(e)	Adjust Combustion	\$2,000	\$4,000	\$10,000	\$30,000
Citation		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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.11(d)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.11(e)	Adjust Combustion	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.12(c)	Maximum VOC Content Of Coatings	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(d)	Contents Of Coating	\$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	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(f)	Coating Application Techniques	\$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	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(h)	Additional Measures	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.13(a)	Flares	\$1,200 ³	\$2,400 ³	\$6,000 ³	\$18,000 ³
N.J.A.C. 7:27-16.13(b)	Submittal	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.13(c)	Log	\$500	\$1,000	\$2,500	\$7,500
Citation		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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

Citation		First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
3.	Greater than 50 percent over the allowable standard For greater than 22.8 pounds per hour:	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.16(g)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.17(b)1	Control Apparatus	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(b)2	Compliance with Alternative VOC Control Plan	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(c)1	Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.17(d)	Submittal	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.17(e)	Submittal	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.17(n)	Submittal	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.18(c)	Leak	\$300	\$600	\$1,500 ³	\$4,500 ³
N.J.A.C. 7:27-16.18(d)	Leak	\$300	\$600	\$1,500 ³	\$4,500 ³
N.J.A.C. 7:27-16.18(f)	Leak Detection and Repair	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(g)	Leak Detection and Repair	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(h)	Leak Detection and Repair	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(i)	Leak Detection and Repair	\$3,000	\$6,000	\$15,000 ³	\$45,000 ³
N.J.A.C. 7:27-16.18(j)1	Log	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.18(j)2	Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.18(l)	Annual Testing	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-16.18(o)	Sealing Device	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.18(q)	Alternative Methods	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-16.19	Cutback and Emulsified Asphalt	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	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	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2.	From 25 through 50 percent over the allowable standard	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
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	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$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	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2.	From 25 through 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3.	Greater than 50 percent over the allowable standard	\$10,000	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	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(m)	Compensate with DERs				
	Class: Surface Coating and graphic arts operations See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.7(c), (d), (g), (h), (i) or (j).				
	Class: Non-utility of Utility Boilers See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.8(b)1 or 2.				
	Class: Stationary Gas Turbines See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.9(b) and (c).				
	Class: Stationary Internal Combustion Engine See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.10(b).				
	Class: Asphalt Plants				

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
	See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.11(b). Class: Flares				
	See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.13(a). Class: Other Source Operations				
	See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.16(c). Class: Petroleum Solvent Dry Cleaning				
	See N.J.A.C. 7:27A-3.10(m)16 for the calculation of civil administrative penalties for violations of N.J.A.C. 7:27-16.20(a).				
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	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(c)1	Leaking Equipment	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(c)2	Open Containers	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(f)	Total Emissions	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(g)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(a)	Plan	\$2,000	\$4,000	\$10,000	\$30,000
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	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(d)	Records Availability	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(e)	Revise Plan	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(a)	Records Availability	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.22(c)	Information	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.22(d)	Monitoring	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(e)	Sampling and Testing	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.24(a)	Adjust Combustion	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-17.2	Asbestos Surface Coating	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-17.3(a)	Registration	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(c)	Remedial Measures	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(d)	Implementation	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.3(e)	Resubmittal	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.4(a)	Discharge Criteria	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.4(b)	Aerodynamic Downwash	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.5(a)	Written Instructions	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(b)	Training Program	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(c)	Copies of Instructions	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(d)	Submittal	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(e)	Notification	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.6(a)	Tests (Asbestos)	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-17.6(c)1	Information (TXS)	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-17.6(c)2	Monitoring (TXS)	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-17.6(c)3	Sampling and Testing Facilities (TXS)	\$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	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	\$2,000	\$4,000	\$10,000	\$30,000
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	\$8,000	\$16,000	\$40,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.4(b)	All Utility Boilers				
	Failure to Install CEM	\$10,000	\$20,000	\$50,000	\$50,000

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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	\$2,000	\$4,000	\$10,000	\$30,000
2.	From 25 through 50 percent over the allowable standard	\$4,000	\$8,000	\$20,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
11-50 MW Turbine					
1.	Less than 25 percent over the allowable standard	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MW Turbine					
1.	Less than 25 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(c)5	Conditions of Approval	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.5(c)6	Adjust Combustion Process	\$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	\$8,000	\$16,000	\$40,000	\$50,000
2.	Twenty-five percent or greater percent over the allowable standard	\$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	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(g)	Log	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(h)	Quarterly Reports	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(i)	Notice of Noncompliance	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(j)1	Provide Notice of Ceased Operations	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.7(a)	Adjust combustion process	\$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):					
Less than 25 MMBTU per hour					
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	\$4,000	\$8,000	\$20,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
25-50 MMBTU per hour					
1.	Less than 25 percent over the allowable standard	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MMBTU per hour					
1.	Less than 25 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$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	\$10,000	\$20,000	\$50,000	\$50,000
	Heat input rate of 50 MMBTU to less than 250 MMBTU per hour	\$2,000	\$4,000	\$10,000	\$30,000
	Adjust combustion process or install CEM				
N.J.A.C. 7:27-19.8(a), (b) or (c)	Stationary Internal Combustion Engines				
Actual Emission (grams per horsepower hour):					
1000 Hp or less					
1.	Less than 25 percent over the allowable standard	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 1000 Hp					
1.	Less than 25 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	\$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	\$2,000	\$4,000	\$10,000	\$30,000
2.	From 25 through 50 percent over the allowable standard	\$4,000	\$8,000	\$20,000	\$50,000

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.9(b)	3. Greater than 50 percent over the allowable standard Adjust combustion process	\$8,000	\$16,000	\$40,000	\$50,000
N.J.A.C. 7:27-19.10(a) or (b)	Glass Manufacturing Furnaces	\$2,000	\$4,000	\$10,000	\$30,000
	Maximum Actual Emission:				
	For less than 10 pounds per hour:				
	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	\$4,000	\$8,000	\$20,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$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	\$6,000	\$12,000	\$30,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$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	\$8,000	\$16,000	\$40,000	\$50,000
	2. From 25 through 50 percent allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)1	Determine baseline NO _x emission rate	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.10(c)2	Submit Emission Reduction Plan	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)3	Implement Emission Reduction Plan	\$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	\$2,000	\$4,000	\$10,000	\$30,000
	2. From 25 through 50 percent over the allowable standard	\$4,000	\$8,000	\$20,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$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	\$6,000	\$12,000	\$30,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$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	\$8,000	\$16,000	\$40,000	\$50,000
	2. From 25 through 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
	3. Greater than 50 percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(e)	Adjust combustion process	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.13(i)	Compensate with DERs				
	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: Non-utility 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. 7:27-19.13(j)	Modify NO _x Control Plan for alterations	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.13(n)	Implement NO _x Control Plan	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.15(c)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.16(c)	Log	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.17(a)1	Conduct Stack Tests	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(a)2, 3 or 4	Information	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-19.17(b)	Sampling and Testing Facilities	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(e)	Record keeping	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.18(a)2, 3, 4 or 5	Monitoring	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.18(h)	Conditions of Approval	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.19(a) or (b)	Record keeping	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(d)	Record keeping	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(e)	Recordkeeping	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(f)	Recordkeeping	\$500	\$1,000	\$2,500	\$7,500

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-19.19(g)1 or 2	Submit Report	\$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	\$8,000	\$16,000	\$40,000	\$50,000
	2. Twenty-five percent or greater percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.20(g)1	Conditions of Approval	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.20(g)2	Combust Cleaner Fuel	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.20(g)3	Compliance with Maximum Allowable Emission Rate				
Actual Emissions (pounds per million BTU).					
	1. Less than 25 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
	2. Twenty-five percent or greater percent over the allowable standard	\$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	\$8,000	\$16,000	\$40,000	\$50,000
	2. Twenty-five percent or greater percent over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
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	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)2	Compliance Milestones	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)4	Determine Actual NO _x Emissions	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)5	Adjust combustion process	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)6	Record Keeping and Reporting	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)7	Notification	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)9	Compliance with Maximum Allowable Emission Rate				
Class:	Utility Boilers 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.				

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
7:27-19.5(a) or (b).					
N.J.A.C. 7:27-19.21(e)10	Cease Operating	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.22(g)1	Conditions of Approval	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.22(g)2	Compliance Milestones	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.22(g)3	Notification	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.22(g)4	Control Emissions	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)1	Conditions of Approval	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)2	Compliance Milestones	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)3	Implement Innovative Control Technology	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)4	Determine Actual NO _x Emissions	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)5	Adjust Combustion Process	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)6	Record Keeping and Reporting	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)7	Notification	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)9	Cease Operating	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.23(e)10	Compensate with DERs				
	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: Non-utility 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. 7:27-19.24(b)	Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.24(c)	Compensate with DERs				
	Actual emissions (pounds per million BTU)				
	Less than 25 percent over the allowable standard	\$8,000	\$16,000	\$40,000	\$50,000
	Greater than or equal to 25 over the allowable standard	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.25(d)	Recordkeeping	\$500	\$1,000	\$2,500	\$7,500

20. (Reserved)

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:

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

Fourth

<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>and Each Subsequent Offense</u>
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	\$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	\$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	\$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	\$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	\$2,000	\$4,000	\$10,000	\$30,000
					<u>Fourth and Each Subsequent Offense</u>
<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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	\$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	\$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	\$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	\$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	\$2,000	\$4,000	\$10,000	\$30,000
					<u>Fourth and Each Subsequent Offense</u>
<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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.	Less than 0.5 pound per hour	\$400 ¹⁰	\$800 ¹⁰	\$2,000 ¹⁰	\$6,000 ¹⁰
2.	From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x	\$800 ¹⁰	\$1,600 ¹⁰	\$4,000 ¹⁰	\$12,000 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	\$1,200 ¹⁰	\$2,400 ¹⁰	\$6,000 ¹⁰	\$18,000 ¹⁰
4.	Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x	\$2,000 ¹⁰	\$4,000 ¹⁰	\$10,000 ¹⁰	\$30,000 ¹⁰
5.	Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶	\$3,000	\$6,000	\$15,000	\$45,000
					<u>Fourth and Each Subsequent Offense</u>
<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
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	\$500 ⁴	\$1,000 ⁴	\$2,500 ⁴	\$7,500 ⁴
2.	From 25 through 50 percent over the allowable standard	\$1,000 ⁴	\$2,000 ⁴	\$5,000 ⁴	\$15,000 ⁴
3.	Greater than 50 percent over the allowable standard	\$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	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2.	From 25 through 50 percent over the allowable standard	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3.	Greater than 50 percent over the allowable standard	\$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	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard	\$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	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard	\$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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-22.3(q)	Certify Report	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.3(uu)	Compensate with DER credits for failure to perform timely testing or failure to install and/or operate control apparatus	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-22.5(b)	Submit Application for Operating Permit	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Rule Summary	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		\$1,000	\$2,000	\$5,000	\$15,000
2. Plan Incomplete		\$500	\$1,000	\$2,500	\$7,500

Citation	Rule Summary	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		\$1,000	\$2,000	\$5,000	\$15,000
2. Plan Incomplete		\$500	\$1,000	\$2,500	\$7,500

Citation	Rule Summary	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. Less than 0.5 pound per hour		\$400 ¹⁰	\$800 ¹⁰	\$2,000 ¹⁰	\$6,000 ¹⁰
2. From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x		\$800 ¹⁰	\$1,600 ¹⁰	\$4,000 ¹⁰	\$12,000 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		\$1,200 ¹⁰	\$2,400 ¹⁰	\$6,000 ¹⁰	\$18,000 ¹⁰
5. Regulated pursuant to NSPS, NESHAPS, PSDAQ, EOR, EHS, TXS and HAP (Table C) ⁶		\$3,000	\$6,000	\$15,000	\$45,000
5. Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶		\$3,000	\$6,000	\$15,000	\$45,000

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

Citation	Rule Summary	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	\$200	\$400	\$1,000	\$3,000
N.J.A.C. 7:27-22.18(b)	Submit Source Emission Testing and Monitoring Protocol	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-22.18(d)	Resubmit Source Emission Testing and Monitoring Protocol	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.18(e)1	Schedule Source Emission Testing Date	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.18(e)2	Perform Source Emissions Testing	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-22.18(e)3	Submit Source Emissions Test Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.18(f)	Perform Periodic Source Emissions Testing	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-22.18(g)3	Schedule Performance Specification Test Date	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.18(g)4	Conduct Performance Specification Test	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-22.18(g)5	Submit Performance Specification Report	\$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	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-22.19(a)	Maintain Records of Source Emissions Testing or Monitoring	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(c)	Submit Source Emissions Testing and Monitoring Reports	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(f)	Submit Periodic Compliance Certification	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-22.19(h)	Submit Operating Permit or Emissions Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.19(i)	Make Information Readily Available	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.27(b)	Maintain Information for Alternative Operating Scenarios	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-22.28(i)	Maintain Emissions Trading Log	\$500	\$1,000	\$2,500	\$7,500

⁴Per 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 (N.J.A.C. 7:27-22, Appendix, Table B)

⁷⁻⁹ (Reserved)

¹⁰Based 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	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense	
N.J.A.C. 7:27-23.3(a)					
CLASS					
Per Gallon or any part thereof:					
1.	Less than 25 percent over the allowable standard	\$300	\$600	\$1,500	\$4,500
2.	From 25 through 50 percent over the allowable standard	\$600	\$1,200	\$3,000	\$9,000
3.	Greater than 25 percent over the allowable standard	\$1,000	\$2,000	\$5,000	\$15,000

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-23.4(a)				
CLASS				
Per Unit—Eight pounds or any part thereof:				

Citation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
1. Less than 25 percent over the allowable standard	\$300	\$600	\$1,500	\$4,500
2. From 25 through 50 percent over the allowable standard	\$600	\$1,200	\$3,000	\$9,000
3. Greater than 25 percent over the allowable standard	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-23.5	Manufacturer	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-23.6(a)	Manufacturer	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-23.6(b)	Distributor	\$4,000	\$8,000	\$20,000	\$50,000

24. (Reserved)

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	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.	\$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
N.J.A.C. 7:27-25.3(b)	Greater than 500,000 gallon tank capacity.	\$10,000	\$20,000	\$50,000	\$50,000
	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
N.J.A.C. 7:27-25.4(a)1	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
	Test/Document	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-25.4(a)2	Certify/Document	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-25.4(a)3	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-25.4(b)	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-25.7(g)	Readily Available	\$100	\$200	\$500	\$1,500
N.J.A.C. 7:27-25.7(h)1-2	Records	\$500	\$1,000	\$2,500	\$7,500
	Readily Available	\$100	\$200	\$500	\$1,500
N.J.A.C. 7:27-25.7(h)3	Readily Available	\$100	\$200	\$500	\$1,500
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	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-27.4(a)	Install/Operate Air Pollution Control Equipment	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-27.4(b)1	Mercury Emissions Detected by Compliance				
N.J.A.C. 7:27-27.4(b)2	Testing from Source Operation				
	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	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.4(c)	Perform Compliance Testing to Measure Mercury	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.4(f)	Submit Compliance Testing Protocol	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.4(h)	Submit Application for Preconstruction Permit	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.4(i)	Conduct Optimization Tests	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.4(j)	Submit Optimized Reagent Injection Rate	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.4(k)	Operate at Optimized Reagent Injection Rate	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.9(a)	Submit Compliance Testing Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(b)	Submit Optimization Test Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(c)	Submit Report	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(d)	Certify Compliance Testing Report	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(e)	Maintain Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(f)	Certify Compliance Testing Report	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(g)	Make Records Readily Available	\$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)

29. (Reserved)

30. The violations of N.J.A.C. 7:27-30, Open Market Emissions Trading, and the civil administrative penalty amounts for each violation, are as set forth in the following table:

Citation	Rule Summary	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-30.7(a)	Notice of Generation must be true, accurate and complete	See N.J.A.C. 7:27A-3.6 ¹			
N.J.A.C. 7:27-30.9(a)	Submit Notice of Transfer to registry	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-30.9(a)	Notice of Transfer must be true, accurate and complete	See N.J.A.C. 7:27A-3.6 ¹			
N.J.A.C. 7:27-30.10(d)	Submit Notice of Verification to registry	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-30.10(d)	Notice of Verification must be true, accurate and complete	See N.J.A.C. 7:27A-3.6 ¹			
N.J.A.C. 7:27-30.12(c)-(e)	Use restrictions	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.12(g)	Use period cannot begin until Notice of Intent to Use submitted	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.12(i)7	Hold all DER credits when Notice of Use submitted	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.12(k)	Replace invalid DER credits	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.12(l)	Rectify invalid verification	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.14(a)1	Use DER credits to compensate for alternative VOC control plan	See N.J.A.C. 7:27A-3.10(m)16 for civil administrative penalties for violations of N.J.A.C. 7:27-16.17(m)			
N.J.A.C. 7:27-30.14(a)2	Use DER credits to compensate for alternative NO _x maximum allowable emission rate	See N.J.A.C. 7:27A-3.10(m)19 for civil administrative penalties for violations of N.J.A.C. 7:27-19.13(i)			
N.J.A.C. 7:27-30.14(a)3	Use DER credits to compensate for innovative control technology plan	See N.J.A.C. 7:27A-3.10(m)19 for civil administrative penalties for violations of N.J.A.C. 7:27-19.23(e)10			
N.J.A.C. 7:27-30.14(a)4	Use DER credits to compensate for MEG alert	See N.J.A.C. 7:27A-3.10(m)19 for civil administrative penalties for violations of N.J.A.C. 7:27-19.24(c)			
N.J.A.C. 7:27-30.14(a)5	Use DER credits for failure to perform timely testing	See N.J.A.C. 7:27A-3.10(m)8 and 22 for civil administrative penalties for violations of N.J.A.C. 7:27-8.3(l) and 22.3(uu)*, respectively.			
N.J.A.C. 7:27-30.14(a)6	Use DER credits for failure to install and/or operate control apparatus	See N.J.A.C. 7:27A-3.10(m)8 and 22 for civil administrative penalties for violations of N.J.A.C. 7:27-8.3(l) and 22.3(uu) respectively			
N.J.A.C. 7:27-30.14(d)	Comply with conditions when using DER credits for permit insurance	\$2,000 ¹	\$4,000 ¹	\$10,000 ¹	\$30,000 ¹
N.J.A.C. 7:27-30.14(f)	Comply with conditions when using DER credits for emission offsets	\$2,000 ¹	\$4,000 ¹	\$10,000 ¹	\$30,000 ¹
N.J.A.C. 7:27-30.14-(g) & (h)	Prohibited uses	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.16(a)	Submit Notice of Use	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-30.16(a)	Notice of Use must be true, accurate and complete	See N.J.A.C. 7:27A-3.6 ¹			
N.J.A.C. 7:27-30.21(b)	Use must comply with geographic constraints	A violation of this rule provision will be considered a violation of the emission limit for which DER credits were to be used for compliance and the user will be subject to corresponding penalties.			
N.J.A.C. 7:27-30.22(a)-(d)	Recordkeeping requirements	\$500	\$1,000	\$2,500	\$7,500

¹The Department may reduce the base penalty by applying the following factors:

- (1) Administrative type violation not affecting quantity of DERs
- (2) Violation affects quantity of DERs by 1 through 25%
- (3) Violation affects quantity of DERs by 26% through 50%

- 70% reduction from base penalty
- 50% reduction from base penalty
- 25% reduction from base penalty

<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
(4)	Violation affects quantity of DERs by greater than 50%	0% reduction from base penalty			
(5)	Violation is reported to department and corrected by filing an amended Notice	25% reduction from base penalty			

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. 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):

<u>Amount of Shortfall (in tons)</u>	<u>Civil Administrative Penalty Amounts (per ton)</u>
1-10	\$ 2,000
11-20	\$ 4,000
21-50	\$10,000
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 per day x 153 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 per day x 153 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 per day x 153 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 maximum penalty as calculated in (m)31iii(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:

<u>Citation</u>	<u>Rule Summary</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-31.13(g)	Designate AAR	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.14(b)	Submit Monitoring Plan	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(c)	Install/Operate Monitoring System	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-31.14(c)	Certify Monitoring System	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(d)	Install/Operate Monitoring System	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-31.14(d)	Certify Monitoring System	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(g)	Demonstrate Compliance	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-31.14(h)	Monitoring	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-31.15	Records	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.16(a)	Submit Information	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-31.16(e)	Emissions Reporting	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.16(f)	Make Information Available	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.18(a) or (b)	Submit Compliance Certification	\$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 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 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 SYSTEMS⁷

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.

CONTINUOUS MONITORING SYSTEMS

TABLE 3

table 2a MAJOR SOURCE OPERATION ⁴		table 2b MINOR SOURCE OPERATION ³		Averaging time or duration	Multiplier
LEVEL	Base Penalty	LEVEL	Base Penalty		
I	\$200			≤ 30 minutes	1
II	\$400	II	\$100	> 30 min & ≤ 1 hr	2
III	\$1,000	III	\$500	> 1 hr & ≤ 3 hr	4
				> 3 hr & ≤ 8 hr	6
				> 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	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				
	1. Major Source Operation ³ Each day through day five ⁵ Day six and each subsequent day thereafter ⁵	\$200 ⁶ \$500 ⁶	\$400 ⁶ \$1,000 ⁶	\$1,000 ⁶ \$2,500 ⁶	\$3,000 ⁶ \$7,500 ⁶
	2. Minor Source Operation ⁴ Each day through day five ⁵ Day six and each subsequent day thereafter ⁵	\$100 ⁶ \$250 ⁶	\$200 ⁶ \$500 ⁶	\$500 ⁶ \$1,250 ⁶	\$1,500 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:

Citation	Rule Summary	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 2. Submit Reports ⁵	\$500 ⁶ \$300 ⁶	\$1,000 ⁶ \$600 ⁶	\$2,500 ⁶ \$1,500 ⁶	\$7,500 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) For any violation of N.J.A.C. 7:27-5.2 where the emission of air contaminants is in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, the assessed penalty shall in no case be reduced by more than 95 percent of the maximum civil administrative penalty pursuant to (m)⁵ above, or shall in no case exceed the maximum civil administrative penalty set forth in N.J.S.A. 26:2C-19(b).

(p) For any violation of N.J.A.C. 7:27-5.2 where the emission of air contaminants is in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, the Department may, in its discretion, assess the maximum civil administrative penalty set forth at N.J.S.A. 26:2C-19(b) for any release of air contaminants that causes persons exposed to the release to suffer acute health effects resulting in death or serious personal injury.

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

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

Penalties for violation of recordkeeping requirements added.

Amended by R.1992 d.382, effective October 5, 1992.

See: 24 N.J.R. 2386(a), 24 N.J.R. 3539(a).

Penalties added at (e)25.

Administrative correction to (e)25.

See: 24 N.J.R. 4524(b).

Amended by R.1993 d.128, effective March 15, 1993 (operative April 20, 1993).

See: 24 N.J.R. 2979(a), 25 N.J.R. 1254(a).

Added new (e)21 regarding Emission Statements.

Amended by R.1993 d.666, effective December 20, 1993 (operative July 26, 1994).

See: 25 N.J.R. 3339(a), 25 N.J.R. 4551(a), 25 N.J.R. 6002(a).

New Rule, R.1993 d.682, effective December 20, 1993 (operative January 23, 1994).

See: 25 N.J.R. 631(a), 25 N.J.R. 5957(a).
 Amended by R.1994 d.85, effective February 22, 1994 (operative March 14, 1994).
 See: 25 N.J.R. 4039(a), 26 N.J.R. 1148(a).
 Amended by R.1994 d.313, effective June 20, 1994 (operative July 26, 1994).
 See: 25 N.J.R. 3339(a), 26 N.J.R. 2600(a).
 Amended by R.1994 d.500, effective October 3, 1994 (operative October 31, 1994).
 See: 25 N.J.R. 4033(a), 26 N.J.R. 4026(a).
 Amended by R.1994 d.501, effective October 3, 1994 (operative October 31, 1994).
 See: 25 N.J.R. 4045(a), 25 N.J.R. 4836(a), 26 N.J.R. 4030(a).
 New Rule, R.1994 d.537, effective November 7, 1994 (operative November 27, 1994).
 See: 26 N.J.R. 1050(a), 26 N.J.R. 4355(a).
 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.1995 d.214, effective April 17, 1995 (operative May 23, 1995).
 See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).
 Administrative correction.
 See: 27 N.J.R. 2212(b).
 Emergency amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).
 See: 27 N.J.R. 2752(a).
 Adopted concurrent proposal R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).
 See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).
 Amended by R.1996 d.303, effective July 1, 1996 (operative August 2, 1996).
 See: 28 N.J.R. 1147(b), 28 N.J.R. 3414(a).
 Amended by R.1998 d.379, effective July 20, 1998 (operative August 16, 1998).
 See: 29 N.J.R. 3924(b), 30 N.J.R. 2660(a).
 In (m), added a new 31.
 Amended by R.1998 d.419, effective August 17, 1998 (operative September 9, 1999).
 See: 29 N.J.R. 3222(a), 30 N.J.R. 3025(b), 31 N.J.R. 3087(b).
 In (m)25, rewrote the table.
 Amended by R.1999 d.423, effective December 6, 1999 (operative January 7, 2000).
 See: 31 N.J.R. 2582(a), 31 N.J.R. 4040(a).
 Made internal reference changes throughout.
 Amended by R.2000 d.204, effective May 15, 2000 (operative June 6, 2000).
 See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).
 Rewrote (i); and in (m), changed table references throughout, substituted a reference to N.J.A.C. 7:27A-3.10(n) for a reference to N.J.A.C. 7:27A-3.10(m), and inserted a reference to N.J.A.C. 7:27-8.3(l) in 8, inserted a reference to N.J.A.C. 7:27-22.3(uu) and substituted a reference to \$12,000 for a reference to \$12,500 in 22, and rewrote 30.
 Amended by R.2000 d.351, effective August 21, 2000 (operative September 29, 2000).
 See: 31 N.J.R. 2100(a), 32 N.J.R. 3119(a).
 Rewrote (m)31.

Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).
 See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).
 Amended the tables in (m) and (n).
 Amended by R.2002 d.224, effective June 2, 2003 (operative June 29, 2003).
 See: 34 N.J.R. 2489(a), 35 N.J.R. 2509(a).
 In (m)16, amended the tables.
 Administrative correction.
 See: 35 N.J.R. 3840(a).

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	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	\$2,000	\$4,000	\$10,000	\$30,000
Citation	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	\$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).			

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.