

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

Administrative change.

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

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).

Rewrote the section.

Amended by R.2004 d.129, effective April 5, 2004 (operative April 25, 2004).

See: 35 N.J.R. 3486(a), 36 N.J.R. 1791(a).

Deleted "Discrete emission reduction" or "DER".

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

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

Added "Emission increase" and "Grace period".

Amended by R.2008 d.338, effective November 17, 2008 (operative December 9, 2008).

See: 40 N.J.R. 3792(a), 40 N.J.R. 6541(b).

Substituted a comma for "and in" following "26:2C-2" and inserted "and N.J.A.C. 7:27C".

Amended by R.2008 d.366, effective December 1, 2008 (operative December 29, 2008).

See: 39 N.J.R. 4492(a), 40 N.J.R. 6769(a).

Rewrote definition "Volatile organic compound".

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 Department of Environmental Protection, Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Mail Code 401-04L, 401 East State Street, 4th Floor, 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).

Administrative change.

See: 43 N.J.R. 2328(a).

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.

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

(d) The Department may assess a civil administrative penalty for a violation of any provision of N.J.A.C. 7:27 or 7:27C for which no penalty amount is specified under N.J.A.C. 7:27A-3.6 through 3.11. The Department shall base the amount of such a penalty assessment upon the following factors:

1. The amount of the penalty established under N.J.A.C. 7:27A-3.6 through 3.11 for a violation which is comparable to the violation in question. Comparability is based upon the nature of the violations (for example, viola-

tions of recordkeeping requirements, reporting requirements or emission limits) and the nature and extent of the environmental harm likely to result from the type of violation; and

2. The factors listed in (e) below.

(e) The Department may, in its discretion, adjust the amount of any penalty assessed pursuant to this section or under N.J.A.C. 7:27A-3.6, 3.7, 3.8, 3.9, 3.10 or 3.11, based upon any or all of the factors listed in (e)1 through 6 below. The Department may apply such factors in addition to the factors listed in N.J.A.C. 7:27A-3.10(e)5 and 3.11. No such factor constitutes a defense to any violation.

1. The compliance history of the violator;

2. The number of times and the frequency with which the violation occurred;

3. The severity of the violation;

4. The nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed;

5. The nature, timing and effectiveness of measures taken to prevent future similar violations, and the extent to which such measures are in addition to those required under an applicable statute or rule; and

6. Any other mitigating, extenuating or aggravating circumstances.

(f) Except as provided for in (g) and (h) 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.

(g) 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.J.A.C. 7:27A-3.10(n)1 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.

(h) 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.J.A.C. 7:27A-3.10(n)2 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.

(i) For violations of N.J.A.C. 7:27C, indicated by a continuous monitoring system or when a continuous monitoring system operates out of control or is out of service, the Department shall calculate penalties in accordance with N.J.A.C. 7:27A-3.10(u).

Amended by 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.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).

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).

In (g) and (h), changed N.J.A.C. 7:27A-3.10 references.

Amended by R.2008 d.338, effective November 17, 2008 (operative December 9, 2008).

See: 40 N.J.R. 3792(a), 40 N.J.R. 6541(b).

In the introductory paragraph of (d), inserted "or 7:27C"; and added (i).

Case Notes

Contrary to the ALJ's finding, a laminating facility's failure to continuously monitor carbon monoxide emissions was not "minor" for purposes of the Grace Period Law because the criteria set forth in the Grace Period Law did not require a demonstration of either actual "harm" or "genuine risk" to sustain a penalty; rather, the criteria required that for a penalty to be forgiven, the violation had to have been one that posed minimal risk to the public health, safety, and natural resources. Because the penalty was imposed for problems with the emissions monitoring system that resulted in an inability to collect valid data, the breakdown made it difficult to say with any degree of certainty that no harm was done and supported the finding that where the regulatory goal was monitoring and risk assessment, that goal was undermined when the monitoring equipment was not functioning properly (adopting in part, rejecting in part, and remanding 2008 N.J. AGEN LEXIS 177). N.J. Dep't of Env'tl. Prot. v. Lamart Corp., OAL Dkt. No. EEQ 7868-04 and EEQ 7873-04 (Consolidated), 2008 N.J. AGEN LEXIS 677, Final Decision (April 17, 2008).

Summary decision imposing penalty was properly assessed against research company for causing the release of an air contaminant. N.J.S.A. 26:2C-19. Biopharm Research v. New Jersey Dept. of Environmental Protection, 91 N.J.A.R.2d 7 (EPE).

7:27A-3.6 Civil administrative penalty for submitting inaccurate or false information

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

(b) Each day from the day that the violator knew or had reason to know that it submitted inaccurate or false information to the Department until the day of receipt by the Department of a written correction by the violator shall be an additional, separate and distinct offense.

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

1. For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty, per act or omission, shall be in an amount of \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense; and

2. For all other conduct, the civil administrative penalty, per act or omission, shall be in the amount of \$2,000 for the first offense, \$4,000 for the second offense, and \$10,000 for the third and each subsequent offense.

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

(e) A violation under this section is non-minor and, therefore, not subject to a grace period.

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

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

Added (e).

7:27A-3.7 Civil administrative penalty for failure to allow lawful entry and inspection

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

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

(c) The amount of the civil administrative penalty for offenses described in this section shall be \$8,000 for the first offense, \$16,000 for the second offense, and \$40,000 for the third and each subsequent offense.

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

(e) A violation under this section is non-minor and, therefore, not subject to a grace period.

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

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

Added (e).

7:27A-3.8 Civil administrative penalty for failure to pay a fee

(a) The Department may assess a civil administrative penalty against each violator who fails to pay a fee when due.

(b) Each day a fee is not paid after it is due shall constitute an additional, separate and distinct offense.

(c) To assess a civil administrative penalty pursuant to this section:

1. The Department shall identify the civil administrative base penalty pursuant to (d) below; and

2. The civil administrative penalty shall be the base penalty unless adjusted pursuant to (e) below.

(d) The base penalty shall be as follows:

1. An amount equal to one-third of the unpaid fee or \$50.00, whichever is greater, for the nonpayment of a fee due in any calendar year; or

2. An amount equal to two-thirds of the unpaid fee or \$100.00, whichever is greater, for the nonpayment of a

second fee in the same calendar year as in (d)1 above, but not the same fee as in (d)1 above; or

3. An amount equal to the unpaid fee or \$250.00, whichever is greater, for the nonpayment of a third and each subsequent fee due in the same calendar year as in (d)1 above, but not the same fee as in (d)1 or 2 above.

(e) Failure to pay a fee within 30 days of receipt by the violator of notice of the nonpayment from the Department shall be considered a continuing violation. For a continuing violation, the Department may increase the amount of the base penalty calculated pursuant to (d) above by the amount obtained by multiplying the base penalty dollar amount by 0.1 percent for each day that the fee is past due.

(f) A violation under this section is non-minor and, therefore, not subject to a grace period.

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

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

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

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

Added (f).

7:27A-3.9 Civil administrative penalty for failure to provide information or test data or to maintain a permanent record of information or test data

(a) The Department may assess a civil administrative penalty against each violator who fails to provide the Department with or who fails to maintain a permanent record of information regarding smoke, opacity, or emission data; any other stack or test data; or any other records or information required by the Department pursuant to the Act or any rule, administrative order, operating certificate, registration requirement or permit issued pursuant thereto.

(b) Each day smoke, opacity or emission data; any other stack or test data; or any other records or information required by the Department pursuant to the Act or any rule, administrative order, operating certificate, registration requirement or permit issued pursuant thereto is not provided after it is due, or is not maintained, shall constitute an additional, separate and distinct offense.

(c) Except as provided in N.J.A.C. 7:27A-3.10, the amount of the civil administrative penalty for offenses described in this section shall be as provided at (c)1 through 3 below. The grace period for these minor violations, if applicable in accordance with N.J.A.C. 7:27A-3.10(q) through (t), is 30 days.

1. For the nonsubmittal of or the failure to maintain records of any smoke, opacity or emission data:

- i. \$2,000 for the first offense;
- ii. \$4,000 for the second offense;
- iii. \$10,000 for the third offense; and

iv. \$30,000 for the fourth and each subsequent offense.

2. For the nonsubmittal of or the failure to maintain records of any stack or test data not included in (c)1 above:

- i. \$1,000 for the first offense;
- ii. \$2,000 for the second offense;
- iii. \$5,000 for the third offense; and
- iv. \$15,000 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:

- i. \$500.00 for the first offense;
- ii. \$1,000 for the second offense;
- iii. \$2,500 for the third offense; and
- iv. \$7,500 for the fourth and each subsequent offense.

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

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

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

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

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

Rewrote (c).

7:27A-3.10 Civil administrative penalties for violation 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) (Reserved)

(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. Footnotes 11, 12 and 13 to 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 revoke the violator's diesel emissions inspector or diesel repair technician certification or the approval of a provider of diesel training. These footnotes are not intended to limit the Department's discretion in determining whether or not to revoke a certificate or training provider approval, but merely to indicate the situation in which the Department would be most likely to take such action.

(m) The violations of N.J.A.C. 7:27, whether the violation is minor or non-minor in accordance with (q) through (t) below, 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 requirements 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:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-2.2	Small scale (up to 55 gallon drum or equivalent)	NM	\$300	\$600	\$1,500	\$4,500
	Large Scale	NM	\$2,000	\$4,000	\$10,000	\$30,000
	Material containing pesticides, dangerous materials and solvents	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-2.3(a)	Small scale (up to 55 gallon drum or equivalent)	NM	\$200	\$400	\$1,000	\$3,000
	Large scale	NM	\$2,000	\$4,000	\$10,000	\$30,000
	Material containing pesticides, dangerous materials and solvents	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-2.3(b)	Residential	NM	\$100	\$200	\$500	\$1,500
	Commercial	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.3(c)	Residential	NM	\$100	\$200	\$500	\$1,500
	Commercial	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-2.4	Not acting in accordance with permit	NM	\$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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-3.2	Boiler capacity less than 200 x 10 ⁶ BTU	NM	\$300 ¹	\$600 ¹	\$1,500 ¹	\$4,500 ¹
	Boiler capacity 200 x 10 ⁶ BTU or greater	NM	\$1,000 ²	\$2,000 ²	\$5,000 ²	\$15,000 ²
N.J.A.C. 7:27-3.3	Marine Installations	NM	\$400	\$800	\$2,000	\$6,000
N.J.A.C. 7:27-3.4	Mobile Sources	NM	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.5	Stationary Engines	NM	\$400 ²	\$800 ²	\$2,000 ²	\$6,000 ²
N.J.A.C. 7:27-3.6	Facilities and Equipment	M	\$1,000	\$2,000	\$5,000	\$15,000
	Records	M	\$400	\$800	\$2,000	\$6,000

¹ Double Penalty If Over One Ringelmann or 20% Opacity

² Double Penalty If Over Two Ringelmann 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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-4.2 (a), (b) and (c)	Maximum Actual Emissions					
	For less than 10 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	From 10 pounds through 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	For greater than 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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

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	Type of Violation	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					
Maximum Penalty Per Violation	NM	\$10,000 ⁷	\$25,000 ⁷	\$50,000 ⁷	\$50,000 ⁷

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 ⁷	
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 1/2 square mile:	15% Reduction from the maximum penalty
1/2 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 1/2 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.

⁹VOC (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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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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

Base Penalty Per Violation	NM	\$1,000 ¹	\$2,000 ¹	\$5,000 ¹	\$15,000 ¹
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- 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) 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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-6.2(d)	All	M	\$500 ²	\$1,000 ²	\$2,500 ²	\$7,500 ²
N.J.A.C. 7:27-6.4	Monitoring	M	\$2,000	\$4,000	\$10,000	\$30,000
	Records	M	\$500	\$1,000	\$2,500	\$7,500
	Sampling and Testing Facilities	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-6.5(a)	Variance	M	\$2,000 ⁸	\$4,000 ⁸	\$10,000 ⁸	\$30,000 ⁸

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)

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	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(d)	Preconstruction Permit or Certificate Readily Available	M	\$100	\$200	\$500	\$1,500
Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
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		NM	\$500 ⁴	\$1,000 ⁴	\$2,500 ⁴	\$7,500 ⁴
2. From 25 through 50 percent over the allowable standard		NM	\$1,000 ⁴	\$2,000 ⁴	\$5,000 ⁴	\$15,000 ⁴
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$2,000 ⁴	\$4,000 ⁴	\$10,000 ⁴	\$30,000 ⁴
2. From 25 through 50 percent over the allowable standard		NM	\$4,000 ⁴	\$8,000 ⁴	\$20,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$6,000 ⁴	\$12,000 ⁴	\$30,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard		NM	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 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		NM	\$8,000 ⁴	\$16,000 ⁴	\$40,000 ⁴	\$50,000 ⁴
2. From 25 through 50 percent over the allowable standard		NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ⁴	\$20,000 ⁴	\$50,000 ⁴	\$50,000 ⁴
Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-8.3(e)	Preconstruction Permit and Certificate Conditions and Provisions					
Class: Emissions from Source Operation						
1.a Less than 0.5 pounds per hour—No Emission Increase		M	\$400 ⁵	\$800 ⁵	\$2,000 ⁵	\$6,000 ⁵
1.b Less than 0.5 pounds per hour—Emission Increase		NM				
2.a From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x —No Emission Increase		M	\$800 ⁵	\$1,600 ⁵	\$4,000 ⁵	\$12,000 ⁵
2.b From 0.5 through 10 pounds per hour, or 0.5 through 2.5 pounds per hour for VOC and NO _x —Emission Increase		NM				
3.a 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 —No Emission Increase		M	\$1,200 ⁵	\$2,400 ⁵	\$6,000 ⁵	\$18,000 ⁵
3.b 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 —Emission Increase		NM				
4.a Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x —No Emission Increase		M	\$2,000 ⁵	\$4,000 ⁵	\$10,000 ⁵	\$30,000 ⁵
4.b Greater than 22.8 pounds per hour, or greater than 5.7 pounds per hour for VOC and NO _x —Emission Increase		NM				
5.a Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ —No Emission Increase		M	\$3,000	\$6,000	\$15,000	\$45,000
5.b Regulated pursuant to NSPS, NESHAP, PSD, EOR, TXS and HAP (Table B) ⁶ —Emission Increase		NM				
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 penalties. ⁵				

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

⁴ Per 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 Based 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)
 EOR (N.J.A.C. 7:27-18)
 TXS (N.J.A.C. 7:27-17)
 HAP (TABLE B) (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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-9.2(a)	Storage/Sale by User	NM	\$500	\$1,000	\$2,500	\$7,500
	Supplier	NM	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-9.2(b)	User less than 20 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 20 x 10 ⁶ BTU or more	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-9.2(d)	Mathematical Combination	NM	\$2,000	\$4,000	\$10,000	\$30,000 ³
N.J.A.C. 7:27-9.2(e)	Facility By-Products	NM	\$2,000	\$4,000	\$10,000	\$30,000 ³

³ Revoke 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	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-10.2(a)	Storage/Sale by User	NM	\$500	\$1,000	\$2,500	\$7,500
	Supplier	NM	\$5,000	\$10,000 ³	\$25,000 ³	\$50,000 ³
N.J.A.C. 7:27-10.2(b)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(e)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-10.2(f)	User less than 200 x 10 ⁶ BTU	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
	User 200 x 10 ⁶ BTU or greater	NM	\$2,000	\$4,000 ³	\$10,000 ³	\$30,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-10.2(h) and 10.5(a), (b) and (c)	Conditions and Provisions Detected by Continuous Monitoring System	See N.J.A.C. 7:27A-3.10(n) for the calculation of civil administrative penalties.				

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

11. The violations of N.J.A.C. 7:27-11, Incinerators, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.2(a)	Multiple Chamber	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.2(c)	Single Fuel-Fed	NM	\$1,000	\$2,000	\$5,000	\$15,000

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)1						
CLASS						
Maximum Actual Emissions						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(a)2						
CLASS						
Maximum Actual Emissions						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-11.3(b)	Smoke	NM	\$1,000 ²	\$2,000 ²	\$5,000 ²	\$15,000 ²
N.J.A.C. 7:27-11.3(c)	Unburned Waste or Ash	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(d)	Odors	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-11.3(e)1	Monitoring (Density of Smoke) Records	M	\$2,000	\$4,000	\$10,000	\$30,000
		M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-11.3(e)2	Sampling and Testing Facilities	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-11.5(b)	Certificate	M	\$50	\$100	\$250	\$750
	Operating Procedures	M	\$100	\$200	\$500	\$1,500

² Double Penalty If Over Two Ringelmann or 40% Opacity

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

12. The violations of N.J.A.C. 7:27-12, Prevention and Control of Air Pollution Emergencies, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-12.4(a) and (b)	Standby Plan	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-12.4(d)	Availability	M	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-12.4(e)	Failure to Submit	M	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-12.5(a)1	Alert	NM	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)2	Warning	NM	\$10,000	\$25,000	\$50,000	\$50,000
N.J.A.C. 7:27-12.5(a)3	Emergency	NM	\$10,000	\$25,000	\$50,000	\$50,000

13. The violations of N.J.A.C. 7:27-13, Ambient Air Quality Standards, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

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

14. The violations of N.J.A.C. 7:27-14, Control and Prohibition of Air Pollution from Diesel-Powered Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-14.3(a)	Passenger Vehicle Registration	NM	\$100	\$200	\$500	\$1,500
	School Bus Owner	NM	\$250	\$500	\$1,000	\$1,000
	School District, if the School District Does not Own the Bus ¹	NM	\$0	\$500	\$1,000	\$1,000
	Commercial Vehicle Registration	NM	\$250	\$500	\$1,000	\$1,000
	Property Owner	NM	\$250	\$500	\$1,000	\$1,000
N.J.A.C. 7:27-14.3(d)	Disabled Closed Crankcase Ventilation System or Retrofit Device	NM	\$1,000	\$2,000	\$3,500	\$5,000
N.J.A.C. 7:27-14.5(f) and (g)	Inspection	M	\$100	\$200	\$500	\$1,500

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

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

²⁻¹⁰ (Reserved)

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

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

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

15. The violations of N.J.A.C. 7:27-15, Control and Prohibition of Air Pollution from Gasoline-fueled Motor Vehicles, and the civil administrative penalty amounts for each violation, per vehicle or, with respect to N.J.A.C. 7:27-15.7(a)4, per device/component, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-15.3(d)	Passenger Vehicle Registration	M	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)1	Owner of four or fewer vehicles	NM	\$400	\$800	\$2,000	\$6,000
	Owner of five or more vehicles	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)2	Passenger Vehicle Registration	NM	\$500	\$1,000	\$2,500	\$7,500
	Commercial Vehicle Registration	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-15.7(a)3	Sale/Offer for Sale; Lease/Offer for Lease by owner of four or fewer vehicles	NM	\$1,000	\$2,000	\$5,000	\$15,000
	Sale/Offer for Sale; Lease/Offer for Lease by owner of five or more vehicles	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-15.7(a)4	Offer for Sale/Sale of Device/Component	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-15.8(a)	Passenger Vehicle Registration	NM	\$100	\$200	\$500	\$1,500
	Commercial Vehicle Registration	NM	\$250	\$500	\$1,000	\$1,000
	School Bus Owner	NM	\$250	\$500	\$1,000	\$1,000
	School District, if the School District does not own the bus ¹	NM	\$0	\$500	\$1,000	\$1,000
	Property Owner	NM	\$250	\$500	\$1,000	\$1,000

¹ The driver of a school bus is not subject to penalty under N.J.A.C. 7:27-15.8(a). The bus driver, school district and the principal or administrator of the school serviced by the bus will be notified of violations. After the first violation, the school district, if it is not also the owner of the bus, will be subject to both notice and penalty.

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:

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

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.4(j)	Transfer Pressure	M	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(k)	Component	NM	\$800	\$1,600	\$4,000 ³	\$12,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.4(k)1	Leak	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(k)2	Spill	NM	\$2,000	\$4,000	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.4(l)	Vapor-Tight Delivery Vessel (VOC)	NM	\$600	\$1,200	\$3,000 ³	\$9,000 ³
N.J.A.C. 7:27-16.4(m)	Recertify	M	\$200	\$400	\$1,000 ³	\$3,000 ³
N.J.A.C. 7:27-16.4(o)	Records	M	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.5(b)	Control Apparatus	M	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(c)	Submittal/Plan	M	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.5(e)	Ballasting	M	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.5(f)1	Leak	NM	\$1,200	\$2,400	\$6,000 ³	\$18,000 ³
N.J.A.C. 7:27-16.5(f)2	Component	NM	\$1,600	\$3,200	\$8,000 ³	\$24,000 ³
N.J.A.C. 7:27-16.5(f)3	Spill	NM	\$4,000	\$8,000	\$20,000 ³	\$50,000 ³
N.J.A.C. 7:27-16.5(j)	Record	M	\$500	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.6(b)	Tank Lids	NM	\$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	NM	\$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	NM	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(e)	Heated Tank	NM	\$1,000 ³	2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(f)	Vapor Surface Cleaner	NM	\$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	NM	\$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	NM	\$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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
N.J.A.C. 7:27-16.6(j)	Cold Cleaning Machine	NM	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-16.6(j)	Heated Cleaning Machine	NM	\$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	NM	\$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	NM	\$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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³

Citation		Type of Violation	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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	From 10 pounds through 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$40,000 ³	\$50,000 ³
	For greater than 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$4,0000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,0003 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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

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

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

Citation	Type of Violation	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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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

	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.7(r) and (s) CLASS Letterpress and lithographic printing Maximum Actual Emissions					
For less than 10 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³

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

					Fourth and Each Subsequent Offense
Citation		Type of Violation	First Offense	Second Offense	Third Offense
N.J.A.C. 7:27-16.7(t)	Best management practices	NM	\$500.00	\$1,000	\$2,500

<u>Citation</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.8(b)1 or 2					
CLASS Boiler Serving an Electric Generating Unit or Industrial/Commercial/Institutional Boilers					
Actual Emission (pounds per million BTU):					
Boiler Heat Input Capacity—Less than 100 MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
Boiler Heat Input Capacity — From 100-250 MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Boiler Heat Input Capacity—Greater than 250 MMBTU					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.8(b)3	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(c)1	Adjust Combustion					
	5-10 million BTU per hour		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.8(c)2	Adjust Combustion					
	10-20 million BTU per hour		\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-16.8(c)3	Adjust Combustion					
	20-50 million BTU per hour		\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(e)	Demonstrate Compliance	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.8(f) or (g)	Failure to Install CEM	NM	\$10,000	\$20,000	\$50,000	\$50,000

<u>Citation</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.9(b) and (c)					
CLASS Stationary Combustion Turbine					
Actual Emission (pounds per million BTU):					
3-10 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000	\$16,000 ³	\$40,000 ³	\$50,000 ³
11-50 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
Greater than 50 MW Turbine					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.9(e)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.9(f)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.10(b)	CLASS Stationary Reciprocating Engine					
Actual Emission (grams per brake horsepower hr):						
1000 bhp or less						
1. Less than 25 percent over the allowable standard		NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
Greater than 1000 bhp						
1. Less than 25 percent over the allowable standard		NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.10(d)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.10(e)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	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		NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard		NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard		NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-16.11(d)	Demonstrate Compliance	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.11(e)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.12(c)	Maximum VOC Content of Coatings	NM	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(d)	Contents of Coating	NM	\$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	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(f)	Coating Application Techniques	M	\$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	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³
N.J.A.C. 7:27-16.12(h)	Additional Measures	M	\$1,000 ³	\$1,500 ³	\$2,000 ³	\$2,500 ³

N.J.A.C. 7:27-16.13(a)	Flares	NM	\$1,200 ³	\$2,400 ³	\$6,000 ³	\$18,000 ³
N.J.A.C. 7:27-16.13(b)	Submittal	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.13(c)	Log	M	\$500	\$1,000	\$2,500	\$7,500

<u>Citation</u>		<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
	N.J.A.C. 7:27-16.16(c) CLASS Other Source Operations Maximum Actual Emissions For less than 10 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	From 10 pounds through 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	For greater than 22.8 pounds per hour:					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

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

<u>Citation</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-16.20(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	NM	\$2,000 ³	\$4,000 ³	\$10,000 ³	\$30,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$4,000 ³	\$8,000 ³	\$20,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
From 10 pounds through 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$6,000 ³	\$12,000 ³	\$30,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
For greater than 22.8 pounds per hour:					
1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-16.20(b)	Filtration Emissions	NM	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(c)1	Leaking Equipment	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(c)2	Open Containers	NM	\$500	\$1,000	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-16.20(f)	Total Emissions	NM	\$600	\$1,200	\$3,000	\$9,000
N.J.A.C. 7:27-16.20(g)	Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(a)	Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.21(b)	Implement Plan	NM	\$4,000	\$8,000	\$20,000	\$50,000
N.J.A.C. 7:27-16.21(c)	Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(d)	Records Availability	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.21(e)	Revise Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(a)	Records Availability	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-16.22(c)	Information	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-16.22(d)	Monitoring	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.22(e)	Sampling and Testing	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-16.24(a)	Adjust Combustion	M	\$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:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-17.2	Asbestos Surface Coating	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-17.3(a)	Registration	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(c)	Remedial Measures	M	\$500 ³	\$1,000 ³	\$2,500 ³	\$7,500 ³
N.J.A.C. 7:27-17.3(d)	Implementation	M	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.3(e)	Resubmittal	M	\$1,000 ³	\$2,000 ³	\$5,000 ³	\$15,000 ³

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-17.4(a)	Discharge Criteria	M	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.4(b)	Aerodynamic Downwash	M	\$1,000	\$2,000	\$5,000 ³	\$15,000 ³
N.J.A.C. 7:27-17.5(a)	Written Instructions	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(b)	Training Program	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(c)	Copies of Instructions	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(d)	Submittal	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.5(e)	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-17.6(a)	Tests (Asbestos)	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-17.6(c)1	Information (TXS)	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-17.6(c)2	Monitoring (TXS)	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-17.6(c)3	Sampling and Testing Facilities (TXS)	M	\$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	Type of Violation	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	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.4(a)	Boilers Serving an Electric Generating Unit					
Actual Emissions (pounds per million BTU per hour):						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.4(b)	All Boilers Serving an Electric Generating Unit Failure to Install CEM	M	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.4(c)	Adjust Combustion	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.4(e)	Submit report	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.4(f)	Submit HEDD plan and updates	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.5(a) or (b)	Stationary Combustion Turbines					
Actual Emission (pounds per million BTU):						
3-10 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
11-50 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(c)5	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-19.5(c)5	Conditions of Approval - Emission Increase	NM				
N.J.A.C. 7:27-19.5(c)6	Adjust Combustion Process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.5(d) and (g)	Actual Emission (pounds per megawatt hour):					
3-10 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
11-50 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MW Turbine						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(e)	Adjust Combustion Process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.5(h)	Actual Emission (pounds per megawatt hour):					
3-10 MW Turbine HEDD Unit						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
11-50 MW Turbine HEDD Unit						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 50 MW Turbine HEDD Unit						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.5(j)	Demonstrate compliance	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.5(k) and (l)	Submit reduction plan and updates	M	\$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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. Twenty-five percent or greater percent over the allowable standard		NM	\$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		M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(g)	Log	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(h)	Quarterly Reports	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(i)	Notice of Noncompliance	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.6(j)1	Provide Notice of Ceased Operations	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.7(d)	Heat input rate of 250 MMBTU per hour or greater					
Failure to install CEM		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.7(g)1	Adjust Combustion 5-10 million BTU per hour	NM	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.7(g)2	Adjust Combustion 10-20 million BTU per hour	NM	\$1,000	\$2,000	\$5,000	\$15,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-19.7(g)3	Adjust Combustion 20 million BTU per hour or greater	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.7(h)	Actual Emissions (pounds per million BTU)					
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.7(i)	Actual Emissions (pounds per million BTU)					
25-100 MMBTU per hour						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 100 MMBTU per hour						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.8(a), (b) or (c)	Stationary Reciprocating Engines					
Actual Emission (grams per brake horsepower hour):						
1000 bhp or less						
1. Less than 25 percent over the allowable standard		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
Greater than 1000 bhp						
1. Less than 25 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.8(e)	Actual Emissions (grams per brake horsepower hour)					
200 bhp or greater, used for generating electricity						
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
Less than 200 bhp, used for generating electricity						
1. Less than 25 percent over the allowable standard			\$500	\$1,000	\$2,500	\$7,500
2. From 25 through 50 percent over the allowable standard			\$1,000	\$2,000	\$5,000	\$15,000
3. Greater than 50 percent over the allowable standard			\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.8(f)	Adjust Combustion					
50 – 200 bhp			\$500	\$1,000	\$2,500	\$7,500
200- 500 bhp			\$1,000	\$2,000	\$5,000	\$15,000
500 bhp or greater			\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.9(a)	Asphalt Plants					
Maximum Actual Emissions						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
N.J.A.C. 7:27-19.9(b)	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.9(d)	Perform best management practice	NM	\$1,200	\$2,400	\$6,000	\$18,000
N.J.A.C. 7:27-19.9(e)	Record best management practice	M	\$1,200	\$2,400	\$6,000	\$18,000
N.J.A.C. 7:27-19.10(a) or (b)	Glass Manufacturing Furnaces					
Maximum Actual Emission:						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	Fourth and Each Subsequent			
			<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Offense</u>
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)1	Determine baseline NO _x emission rate	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.10(c)2	Submit Emission Reduction Plan	M	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)3	Implement Emission Reduction Plan	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(c)4	Reduce Emissions 30 percent					
Maximum Actual Emission:						
For less than 10 pounds per hour:						
1. Less than 25 percent over the allowable standard		NM	\$2,000	\$4,000	\$10,000	\$30,000
2. From 25 through 50 percent over the allowable standard		NM	\$4,000	\$8,000	\$20,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$6,000	\$12,000	\$30,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$8,000	\$16,000	\$40,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. From 25 through 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
3. Greater than 50 percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.10(e)	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.11(a), (b)	Emergency Generators Record Keeping		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.12(a)	MSW Incinerator Conditions and Provisions Detected by Continuous Monitoring System	See N.J.A.C. 7:27A-3.10(n)	for the calculation of civil administrative penalties.			
N.J.A.C. 7:27-19.13(j)	Modify NO _x Control Plan for alterations	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.13(n)	Implement NO _x Control Plan	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.15(c) and (e)	Demonstrate Compliance	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.16 (b) or (h)	Log	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.16(c) or (i)	Submit Report		\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.17(a)1	Conduct Stack Tests	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(a)2, 3 or 4	Information	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-19.17(b)	Sampling and Testing Facilities	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.17(e)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.18(a)2, 3, 4 or 5	Monitoring	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.18(h)	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.18(h)	Conditions of Approval - Emission Increase	NM				
N.J.A.C. 7:27-19.19(a) or (b)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(d)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(e)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-19.19(f)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.19(g)1 or 2	Submit Report	M	\$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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. Twenty-five percent or greater percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.20(g)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.20(g)1	Conditions of Approval - Emission Increase	NM				
N.J.A.C. 7:27-19.20(g)2	Combust Cleaner Fuel	NM	\$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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. Twenty-five percent or greater percent over the allowable standard		NM	\$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: Boilers Serving an Electric Generating Unit	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 Combustion 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: Industrial/ Commercial/ Institutional 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 Reciprocating 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		NM	\$8,000	\$16,000	\$40,000	\$50,000
2. Twenty-five percent or greater percent over the allowable standard		NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.20(i)1, 2 or 3	Maintain Emission Calculations	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)1	Conditions of Approval - Emission Increase	NM				

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Each Subsequent Offense</u>
N.J.A.C. 7:27-19.21(e)2	Compliance Milestones - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)2	Compliance Milestones - Emission Increase	NM				
N.J.A.C. 7:27-19.21(e)4	Determine Actual NO _x Emissions	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)5	Adjust combustion process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.21(e)6	Record Keeping and Reporting	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)7	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.21(e)9	Compliance with Maximum Allowable Emission Rate					
	Class: Boilers Serving an Electric Generating Unit	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).				
N.J.A.C. 7:27-19.21(e)10	Cease Operating	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.22(g)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.22(g)1	Conditions of Approval - Emission Increase	NM				
N.J.A.C. 7:27-19.22(g)2	Compliance Milestones - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.22(g)2	Compliance Milestones - Emission Increase	NM				
N.J.A.C. 7:27-19.22(g)3	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.22(g)4	Control Emissions	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)1	Conditions of Approval - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)1	Conditions of Approval - Emission Increase	NM				
N.J.A.C. 7:27-19.23(e)2	Compliance Milestones - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)2	Compliance Milestones - Emission Increase	NM				
N.J.A.C. 7:27-19.23(e)3	Implement Innovative Control Technology - No Emission Increase	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)3	Implement Innovative Control Technology - Emission Increase	NM				
N.J.A.C. 7:27-19.23(e)4	Determine Actual NO _x Emissions	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)5	Adjust Combustion Process	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.23(e)6	Record Keeping and Reporting	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)7	Notification	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.23(e)9	Cease Operating	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.24(b)	Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.25(d)	Recordkeeping	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-19.28	Sewage Sludge Incinerators					
	Maximum Actual Emissions					
	For less than 5.7 pounds per hour for VOC and NO _x :					
1.	Less than 25 percent over the allowable standard	NM	\$6,000	\$12,000	\$30,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
	For greater than 5.7 pounds per hour NO _x					
1.	Less than 25 percent over the allowable standard	NM	\$8,000	\$16,000	\$40,000	\$50,000
2.	From 25 through 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
3.	Greater than 50 percent over the allowable standard	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.29(b)1	Submit Plan	M	\$2,000	\$4,000	\$10,000	\$30,000

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Subsequent Offense</u>
N.J.A.C. 7:27-19.29(b)2 and 3	Implement Plan	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-19.29(j)	Submit Report	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.29(k)	Submit Permit Application	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.30(a)	Submit Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-19.30(c)	Submit Report	M	\$2,000	\$4,000	\$10,000	\$30,000

20. The violations of N.J.A.C. 7:27-20, Used Oil Combustion, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Subsequent Offense</u>
N.J.A.C. 7:27-20.2(a)	Unauthorized Use	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-20.2(b)	Prohibited Commercial Use	NM	\$800	\$1,600	\$4,000	\$12,000
	Prohibited Commercial Sale	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-20.2(c)	Prohibited Residential Sale	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-20.2(d)	Registration Required, equal or less than 500,000 BTU/Hr	NM	\$200	\$400	\$1,000	\$3,000
	Permit Required, greater than 500,000 BTU/Hr	NM	\$400	\$800	\$2,000	\$6,000
N.J.A.C. 7:27-20.2(e)	Hazardous Waste Prohibited	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-20.3(a)	Authorized Use Requirements	NM	\$3,000	\$6,000	\$15,000	\$45,000

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:

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	<u>Fourth and Subsequent Offense</u>
N.J.A.C. 7:27-21.3(a)	Failure to Submit	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-21.5(a)	Failure to Certify	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-21.5(a)-(i)	Omission of Required Information	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-21.7(a)	Failure to Keep Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-21.7(b)	Failure to Make Records Readily Available	M	\$500	\$1,000	\$2,500	\$7,500

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-27.4(b)	Conduct Stack Emission Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.4(d)1	Average Mercury Emissions					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.4(d)2	Conduct Stack Emission Test Hospital/Medical/Infectious Waste Incinerators	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.5(b)	Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.5(c) or 27.5(d)	Conduct Compliance Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.5(f)	Submit Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.5(g)	Dispose of Properly	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.6(a)1 or 27.6(a)2	Iron or Steel Melters Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.6(b)	Conduct Compliance Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
N.J.A.C. 7:27-27.6(d)	Submit Plan	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.6(f)	Operate According to Plan	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.6(h)	Maintain Plan Onsite	M	500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.7(a)1 or 27.7(a)2	Coal-fired Boilers					
	Mercury Emissions Detected by Compliance Testing from Source Operation					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.7(b)	Conduct Compliance Testing to Measure Mercury	NM	\$3,000	\$6,000	\$15,000	\$45,000
	Comply with Approved Averaging Plan					
	1. Less than 25 percent over the allowable standard	NM	\$8,000 ³	\$16,000 ³	\$40,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.7(f)	2. From 25 through 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
	3. Greater than 50 percent over the allowable standard	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.7(i)	Maintain Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.7(j)	Submit Reports	M	\$500	\$1,000	\$2,500	\$7,500

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-27.7(k)	Operate in accordance with approved plan	NM	\$10,000 ³	\$20,000 ³	\$50,000 ³	\$50,000 ³
N.J.A.C. 7:27-27.8(a)	Submit Stack Emission Test Protocol	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.8(d)1	Conduct Optimization Tests	NM	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-27.8(d)3	Submit Optimized Reagent Injection Rate	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.8(d)4	Operate at Optimized Reagent Injection Rate	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.8(e)	Submit Application for Preconstruction Permit	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-27.9(a)	Submit Compliance Testing Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(b)	Submit Optimization Test Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(c)	Submit Report	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(d)	Certify Compliance Testing Report	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(e)	Maintain Records	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-27.9(f)	Certify Compliance Testing Report	M	\$300	\$600	\$1,500	\$4,500
N.J.A.C. 7:27-27.9(g)	Make Records Readily Available	M	\$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. The violations of N.J.A.C. 7:27-29, Low Emission Vehicle Program, and the civil administrative penalty amounts for each violation, per vehicle, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-29.3(a)	Delivery of Non-Certified Vehicle	NM	\$2,500	\$5,000	\$12,500	\$30,000
N.J.A.C. 7:27-29.5(a)	Failure to meet fleet-wide average	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-29.6(a)	Failure to meet ZEV sales requirement	NM	\$5,000	\$10,000	\$25,000	\$50,000
N.J.A.C. 7:27-29.7(a)	Open account in the ZEV credit bank	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-29.7(g) and (j)	Report ZEV credits and transactions	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-29.8(b)	Report production numbers	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-29.9(a), (b), (c), and (d)	Provide reports upon request	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-29.10(b)	Provide reports upon request	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-29.11(a) and (b)	Submit report	M	\$500	\$1,000	\$2,500	\$7,500

30. Violations of N.J.A.C. 7:27-30, CAIR NO_x Trading Program, and the civil administrative penalty amounts for each violation, are as set forth in the following table:

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-30.6	Reporting requirements	M	\$1,000	\$2,000	\$5,000	\$10,000

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. Violation of N.J.A.C. 7:27-31.3(i) shall be considered a non-minor violation, not subject to a grace period. 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):

Amount of Shortfall (in tons)	Civil Administrative Penalty Amounts (per ton)
1-100	\$ 2,000
11-200	\$ 4,000
21-500	\$10,000
51-100	\$30,000
over 1000	\$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)31ii(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 set forth in the following table:

Citation	Rule Summary	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent
						Offense
N.J.A.C. 7:27-31.13(g)	Designate AAR	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-31.14(b)	Submit Monitoring Plan	M	\$1,000	\$2,000	\$5,000	\$15,000
N.J.A.C. 7:27-31.14(c)	Install/Operate Monitoring System	NM	\$10,000	\$20,000	\$50,000	\$50,000
N.J.A.C. 7:27-31.14(c)	Certify Monitoring System	NM	\$1,000	\$2,000	\$5,000	\$15,000

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

32. The violations of N.J.A.C. 7:27-32, Diesel Retrofit Program, and the civil administrative penalty amounts for each violation, per vehicle or piece of equipment for each day of violation, are as set forth in the following table:

Citation	Class	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-32.4(b)	1-10 vehicles	NM	\$1,000	\$2,000	\$3,000	\$5,000
Required installation of closed crankcase ventilation systems by owner of regulated school buses	11-20 vehicles	NM	\$3,000	\$4,000	\$5,000	\$5,000
	More than 20 vehicles	NM	\$5,000	\$5,000	\$5,000	\$5,000
	Failure to submit cost estimate	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.4(d)	Complete and submit compliance form	M	\$250	\$500	\$750	\$1,000
N.J.A.C. 7:27-32.5(a), (b) and (c)	Repair of all leaks and maintain closed crankcase ventilation system in accordance with manufacturer's instructions	NM	\$100	\$500	\$1,000	\$2,000
	1-10 vehicles	NM	\$1,000	\$2,000	\$3,000	\$5,000
	11-20 vehicles	NM	\$3,000	\$5,000	\$5,000	\$5,000
N.J.A.C. 7:27-32.6(a) and (b)	More than 20 vehicles	NM	\$5,000	\$5,000	\$5,000	\$5,000
	Verify installation of closed crankcase ventilation system on regulated school bus					
	1-10 vehicles	NM	\$1,000	\$2,000	\$3,000	\$5,000
N.J.A.C. 7:27-32.7(a), (b), (e) and (f)	11-20 vehicles	NM	\$3,000	\$4,000	\$5,000	\$5,000
	More than 20 vehicles	NM	\$5,000	\$5,000	\$5,000	\$5,000
	Required retrofitting by owner of regulated vehicles and regulated equipment					
N.J.A.C. 7:27-32.10(a)	Labeling of retrofit devices	M	\$500	\$750	\$1,000	\$2,000
N.J.A.C. 7:27-32.12(a), (b) and (c)	Inventory	M	\$500	\$1,000	\$1,500	\$2,000
	Notice that the owner has chosen to comply	M	\$500	\$1,000	\$1,500	\$2,000
	Fleet plan in lieu of complying through the use of BART	M	\$500	\$1,000	\$1,500	\$2,000
Required submissions by owner of regulated vehicles and regulated equipment	Late or incomplete submittal	M	\$500	\$1,000	\$1,500	\$2,000
	Failure to retire or replace	NM	\$1,000	\$2,000	\$3,000	\$5,000
	Failure to include certification	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.14(c)	Failure to retire or replace	NM	\$1,000	\$2,000	\$3,000	\$5,000
N.J.A.C. 7:27-32.14(d)	Failure to include certification	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.17(h), (i) and (k)	Late or incomplete submittal of final revised plan	M	\$100	\$200	\$300	\$400
	Failure to meet emission reduction limit in fleet averaging or combined fleet averaging plan	NM	\$1,000	\$2,000	\$3,000	\$5,000
	Failure to submit annual supplement	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.19(c) and (i)	Failure to submit annual supplement	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.20(d) through (g)	Failure to electronically complete and submit compliance form	M	\$100	\$200	\$300	\$400
	Retaining form on regulated school bus, regulated vehicle, piece of equipment; record copies					
	Retaining form on regulated school bus, regulated vehicle, piece of equipment; record copies	M	\$100	\$200	\$300	\$400

<u>Citation</u>	<u>Class</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-32.21(a) and (b)	Failure to have vehicle inspected	NM	\$500	\$1,000	\$1,500	\$2,000
N.J.A.C. 7:27-32.21(c), (d) and (e)	Failure to inspect and certify inspection	M	\$100	\$200	\$300	\$400
N.J.A.C. 7:27-32.22(a), (c) and (d)	Recordkeeping requirements	M	\$100	\$200	\$300	\$400

33. (Reserved)

34. The violations of N.J.A.C. 7:27-34 TBAC Emissions Reporting, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

<u>Citation</u>	<u>Rule Summary</u>	<u>Type of Violation</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>	Fourth and Each Subsequent Offense
N.J.A.C. 7:27-34.3(b)	Submit Report	NM	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-34.3(b)2	Failure to Certify	M	\$2,000	\$4,000	\$10,000	\$30,000
N.J.A.C. 7:27-34.4(c)	Emission Calculation	M	\$500	\$1,000	\$2,500	\$7,500
N.J.A.C. 7:27-34.5	Recordkeeping Requirements	M	\$500	\$1,000	\$2,500	\$7,500

(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 OF OFFENSE	CONTINUOUS EMISSION MONITORS			CONTINUOUS PROCESS MONITORS		
	AIR CONTAMINANTS (% above allowable emission rate or concen- tration)	OPACITY	OXYGEN (%)	pH	TEMPERATURE degrees Rankine (°F+ 460)	OTHER MINIMUM OR MAXIMUM SPECIFICATIONS ²
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 SYSTEMS⁷

table 2a
MAJOR SOURCE OPERATION⁴

LEVEL	Base Penalty
I	\$200
II	\$400
III	\$1,000

table 2b
MINOR SOURCE OPERATION³

LEVEL	Base Penalty
	\$100
II	\$200
III	\$300

TABLE 3

Averaging time or duration	Multiplier
≤ 30 minutes	1
> 30 min. & ≤ 1 hr	2
> 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	Type of Violation	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					
Class:						
1. Major Source Operation ³						
Each day through day five ⁵		NM	\$200 ⁶	\$400 ⁶	\$1,000 ⁶	\$3,000 ⁶
Day six and each subsequent day thereafter ⁵		NM	\$500 ⁶	\$1,000 ⁶	\$2,500 ⁶	\$7,500 ⁶
2. Minor Source Operation ⁴						
Each day through day five ⁵		NM	\$100 ⁶	\$200 ⁶	\$500 ⁶	\$1,500 ⁶
Day six and each subsequent day thereafter ⁵		NM	\$250 ⁶	\$500 ⁶	\$1,250 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	Type of Violation	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		NM	\$500 ⁶	\$1,000 ⁶	\$2,500 ⁶	\$7,500 ⁶
2. Submit Reports ⁵		M	\$300 ⁶	\$600 ⁶	\$1,500 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).

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

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

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

Amended by R.2009 d.343, effective November 16, 2009 (operative December 18, 2009).

See: 41 N.J.R. 1606(a), 41 N.J.R. 4195(b).

In the table in (m)15, updated the fee amounts for "Commercial Vehicle Registration", added classes for "School Bus Owner", "School District, if the School District does not own the bus" and "Property Owner", and inserted the footnote.

Case Notes

Contrary to the ALJ's finding, a laminating facility's failure to continuously monitor carbon monoxide emissions was not "minor" for purposes of the Grace Period Law because the criteria set forth in the Grace Period Law did not require a demonstration of either actual "harm" or "genuine risk" to sustain a penalty; rather, the criteria required that for a penalty to be forgiven, the violation had to have been one that posed minimal risk to the public health, safety and natural resources. Because the penalty was imposed for problems with the emissions monitoring system that resulted in an inability to collect valid data, the breakdown made it difficult to say with any degree of certainty that no harm was done and supported the finding that where the regulatory goal was monitoring and risk assessment, that goal was undermined when the monitoring equipment was not functioning properly (adopting in part, rejecting in part, and remanding 2008 N.J. AGEN LEXIS 177). N.J. Dep't of Env'tl. Prot. v. Lamart Corp., OAL Dkt. No. EEQ 7868-04 and EEQ 7873-04 (Consolidated), 2008 N.J. AGEN LEXIS 677, Final Decision (April 17, 2008).

Where respondent operated its sludge incinerator system after the continuous emission monitor system became inoperable, the penalties

assessed against respondent should have been calculated according to N.J.A.C. 7:27A-3.10(n), rather than the more general N.J.A.C. 7:27A-3.10(m). N.J. Dep't of Env'tl. Prot. v. Parsippany-Troy Hills Twp., OAL Dkt. No. EEQ 03009-04 and EEQ 03010-04 (Consolidated), 2008 N.J. AGEN LEXIS 646, Final Decision (March 10, 2008).

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

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

Failure to submit required emission statement within mandatory time frame warranted assessment of civil administrative penalty. Department of Environmental Protection and Energy v. Northgate, 95 N.J.A.R.2d (EPE) 190.

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

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

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

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

7:27A-3.11 Civil administrative penalty for violations of N.J.S.A. 26:2C-19(e)

(a) The Department shall determine the amount of the civil administrative penalty for violations in this section on the basis of the provision violated and the frequency of the violation as follows:

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.S.A. 26:2C-19(e), failure to immediately notify the Department of release of air contaminants in a quantity or concentration which poses a potential threat to public health, welfare or the environment	NM	\$2,000	\$4,000	\$10,000	\$30,000

Citation	Type of Violation	First Offense	Second Offense	Third Offense	Fourth and Each Subsequent Offense
N.J.S.A. 26:2C-19(e), failure to immediately notify the Department of release of air contaminants in a quantity or concentration which might reasonably result in citizen complaints, but which does not pose a potential threat to public health, welfare or the environment	M	\$200	\$400	\$1,000	\$3,000

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

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

Reference to TVOS and VOS changed to TXS and VOC.

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

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

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

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

Rewrote the section.

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

The Department may, in addition to any other civil administrative penalty assessed pursuant to this subchapter, include as a civil administrative penalty the economic benefit (in dollars) which the violator has realized as a result of not complying with or by delaying compliance with the requirements of the Act, or any rule, administrative order, operating certificate

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