

§ 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:

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:

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:

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:

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<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.

<9> VOC (N.J.A.C. 7:27-16)

EHS (N.J.A.C. 7:31-1)

NO_x (N.J.A.C. 7:27-19)

Criteria pollutant (N.J.A.C. 7:27-13)

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

NESHAP (40 CFR 61)

<10> Violations may also be subject to the implementation of a hydrogen sulfide monitoring system in accordance with the Solid Waste rules at N.J.A.C. 7:26-2A.7(h)10 and 2A.8(h)12.

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<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.

<9> VOC (N.J.A.C. 7:27-16)

EHS (N.J.A.C. 7:31-1)

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

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<10> Violations may also be subject to the implementation of a hydrogen sulfide monitoring system in accordance with the Solid Waste rules at N.J.A.C. 7:26-2A.7(h)10 and 2A.8(h)12.

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:

<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. 7:27-7.2, 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:

<4> Per Air Contaminant Exceeding Allowable Standard Revoke Certificate to Operate Under N.J.A.C. 7:27-8 (if applicable)

<5> Violations may also be subject to the implementation of a hydrogen sulfide monitoring system in accordance with the Solid Waste rules at N.J.A.C. 7:26-2A.7(h)10 and 2A.8(h)12.

8. The violations of N.J.A.C. 7:27-8, Permits and Certificates, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

<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:

<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:

<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:

<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:

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:

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:

<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.

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:

<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:

<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:

<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:

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:

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:

22. The violations of N.J.A.C. 7:27-22, Operating Permits, and the civil administrative penalty amounts for each violation, per source operation, are set forth in the following tables:

<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> (Reserved)

<6> NSPS (40 CFR 60)

NESHAP (40 CFR 61)

PSD (40 CFR 51)

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

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

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

<7-9> (Reserved)

<10> Based on each Preconstruction Permit incorporated into the Operating Permit, if applicable, or if not, estimate of air contaminants with the stated emission rate without controls.

23. The violations of N.J.A.C. 7:27-23, Architectural Coatings, and the civil administrative penalty amounts for each violation are as set forth in the following table:

24. Civil administrative penalties for each violation of N.J.A.C. 7:27-24, Control of Air Pollution from Consumer Products, are as set forth in the following table:

25. The violations of N.J.A.C. 7:27-25, Control and Prohibition of Air Pollution by Vehicular Fuels, and the civil administrative penalty amounts for each violation, per source, are as set forth in the following table:

26. Civil administrative penalties for each violation of N.J.A.C. 7:27-26, Control of Air Pollution from Adhesives Products, are as set forth in the following table:

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

<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:

30.-31. (Reserved)

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:

33. (Reserved)

(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 allowable standard 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 SYSTEMS<7>

TABLE 1

CONTINUOUS MONITORING SYSTEMS<7>

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:

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:

<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> For example, Pressure Drop, Flow Rate, Oxidation Reduction Potential, etc.

<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 one-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 standard, 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 \$ 200.00. Using Table 3, determine the multiplier corresponding to a one-hour averaging time. Multiply \$ 200.00 by 2, the multiplier from Table 3. The penalty for the offense is \$ 400.00.

<8> > 24 hr refers to the length of the averaging time established in the Preconstruction Permit or Operating Certificate, and does not refer to the duration of the offense.

(o) For any violation of N.J.A.C. 7:27-5.2 where the emission of air contaminants is in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property,

the assessed penalty shall in no case be reduced by more than 95 percent of the maximum civil administrative penalty pursuant to (m)5 above, or shall in no case exceed the maximum civil administrative penalty set forth in N.J.S.A. 26:2C-19(b).

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

(q) Each violation identified in the penalty tables at (m) and (n) above by an "M" in the Type of Violation column, for which conditions at (s) below are satisfied, is a minor violation, and is subject to a 30-day grace period.

(r) Each violation identified in the penalty tables at (m) and (n) above by an "NM" in the Type of Violation column is a non-minor violation and will not be subject to a grace period.

(s) The Department shall provide a grace period of 30 days for any violation identified as minor under this section, provided the following conditions are met:

- 1.** The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation;
- 2.** The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department or local government agency;
- 3.** In the case of a violation that involves a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for a violation of the same requirement of the same permit within the preceding 12-month period;
- 4.** In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local government agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period; and
- 5.** In the case of any violation, the person responsible for the violation has not been identified by the Department or a local government agency as responsible for the same or substantially similar violations at any time that reasonably indicate a pattern of illegal conduct and not isolated incidents on the part of the person responsible.

(t) For a violation determined to be minor under (s) above, the following provisions apply:

- 1.** The Department or local government agency shall issue a notice of violation to the person responsible for the minor violation that:
 - i.** Identifies the condition or activity that constitutes the violation and the specific statutory provision or other requirement violated; and
 - ii.** Specifies that a penalty may be imposed unless the minor violation is corrected and compliance is achieved within the specified grace period.
- 2.** If the person responsible for the minor violation corrects that violation and demonstrates, in accordance with (t)3 below, that compliance has been achieved within the specified grace period, the Department or local government agency shall not impose a penalty for the violation and, in addition, shall not consider the minor violation an offense as defined in this chapter.
- 3.** The person responsible for the minor violation shall submit to the Department or a local government agency, before the end of the specified grace period, written information, certified in accordance with N.J.A.C. 7:27-1.39, and signed by the responsible official, as defined at N.J.A.C. 7:27-1.4, detailing the corrective action taken or compliance achieved.
- 4.** If the person responsible for the minor violation seeks additional time beyond the specified grace period to achieve compliance, the person shall request an extension of the specified grace period. The request shall be made in writing no later than one week before the expiration of the specified grace period and include the anticipated time needed to achieve compliance, the specific cause or causes of the delay, and any measures taken or to be taken to minimize the time needed to achieve compliance, and shall be

certified in accordance with N.J.A.C. 7:27-1.39. The Department or local government agency may, at its discretion, approve in writing an extension which shall not exceed 90 days, to accommodate the anticipated delay in achieving compliance. In exercising its discretion to approve a request for an extension, the Department or local government agency may consider the following:

- i. Whether the violator has taken reasonable measures to achieve compliance in a timely manner;
- ii. Whether the delay has been caused by circumstances beyond the control of the violator;
- iii. Whether the delay will pose a risk to the public health, safety and natural resources; and
- iv. Whether the delay will materially or substantially undermine or impair the goals of the regulatory program.

5. If the person responsible for the minor violation fails to demonstrate to the Department or local government agency that the violation has been corrected and compliance achieved within the specified grace period, or within the approved extension, if any, the Department or local government agency may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date on which the notice of violation under (t)1 above was issued.

6. The person responsible for a minor violation shall not request more than one extension of a grace period specified in a notice of violation.

HISTORY:

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

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

Penalties for violation of recordkeeping requirements added.

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

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

Penalties added at (e)25.

Administrative correction to (e)25.

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

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

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

Added new (e)21 regarding Emission Statements.

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

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

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

See: 25 N.J.R. 631(a), 25 N.J.R. 5957(a).

Amended by R.1994 d.85, effective February 22, 1994 (operative March 14, 1994).

See: 25 N.J.R. 4039(a), 26 N.J.R. 1148(a).

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

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

Amended by R.1994 d.500, effective October 3, 1994 (operative October 31, 1994).

See: 25 N.J.R. 4033(a), 26 N.J.R. 4026(a).

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

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

New Rule, R.1994 d.537, effective November 7, 1994 (operative November 27, 1994).

See: 26 N.J.R. 1050(a), 26 N.J.R. 4355(a).

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

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

Amended by R.1995 d.214, effective April 17, 1995 (operative May 23, 1995).

See: 26 N.J.R. 3298(a), 27 N.J.R. 1581(a).

Administrative correction.

See: 27 N.J.R. 2212(b).

Emergency amendment R.1995 d.409, effective June 29, 1995 (expires August 28, 1995).

See: 27 N.J.R. 2752(a).
Adopted concurrent proposal R.1995 d.527, effective August 28, 1995 (operative October 27, 1995).
See: 27 N.J.R. 2752(a), 27 N.J.R. 3806(a).
Amended by R.1996 d.303, effective July 1, 1996 (operative August 2, 1996).
See: 28 N.J.R. 1147(b), 28 N.J.R. 3414(a).
Amended by R.1998 d.379, effective July 20, 1998 (operative August 16, 1998).
See: 29 N.J.R. 3924(b), 30 N.J.R. 2660(a).
In (m), added a new 31.
Amended by R.1998 d.419, effective August 17, 1998 (operative September 9, 1999).
See: 29 N.J.R. 3222(a), 30 N.J.R. 3025(b), 31 N.J.R. 3087(b).
In (m)25, rewrote the table.
Amended by R.1999 d.423, effective December 6, 1999 (operative January 7, 2000).
See: 31 N.J.R. 2582(a), 31 N.J.R. 4040(a).
Made internal reference changes throughout.
Amended by R.2000 d.204, effective May 15, 2000 (operative June 6, 2000).
See: 31 N.J.R. 1671(a), 32 N.J.R. 1808(a).
Rewrote (i); and in (m), changed table references throughout, substituted a reference to N.J.A.C. 7:27A-3.10(n) for a reference to N.J.A.C. 7:27A-3.10(m), and inserted a reference to N.J.A.C. 7:27-8.3(l) in 8, inserted a reference to N.J.A.C. 7:27-22.3(uu) and substituted a reference to \$ 12,000 for a reference to \$ 12,500 in 22, and rewrote 30.
Amended by R.2000 d.351, effective August 21, 2000 (operative September 29, 2000).
See: 31 N.J.R. 2100(a), 32 N.J.R. 3119(a).
Rewrote (m)31.
Amended by R.2003 d.86, effective February 18, 2003 (operative March 24, 2003).
See: 34 N.J.R. 695(a), 35 N.J.R. 1059(a).
Amended the tables in (m) and (n).
Amended by R.2002 d.224, effective June 2, 2003 (operative June 29, 2003).
See: 34 N.J.R. 2489(a), 35 N.J.R. 2509(a).
In (m)16, amended the tables.
Administrative correction.
See: 35 N.J.R. 3840(a).
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).
Reserved (i); rewrote (m).
Amended by R.2004 d.182, effective May 3, 2004 (operative June 6, 2004).
See: 35 N.J.R. 4241(b), 36 N.J.R. 2218(a).
Added (m)24.
Amended by R.2004 d.236, effective June 21, 2004 (operative July 20, 2004).
See: 35 N.J.R. 2983(a), 35 N.J.R. 4241(a), 36 N.J.R. 3078(a).
Rewrote (m)23.
Administrative correction.
See: 36 N.J.R. 5442(a).
Amended by R.2004 d.443, effective December 6, 2004 (operative January 3, 2005).
See: 36 N.J.R. 123(a), 36 N.J.R. 5406(a).
In (m), rewrote 27.
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 (m) and (n); added (q) through (t).
Amended by R.2005 d.343, effective October 17, 2005 (operative date of November 7, 2005).
See: 36 N.J.R. 4228(a), 37 N.J.R. 3976(a).
Rewrote tables in (m)16 and 19.
Amended by R.2006 d.34, effective January 17, 2006 (operative January 27, 2006).
See: 37 N.J.R. 2762(a), 38 N.J.R. 497(b).

Added (m)29.

Amended by R.2006 d.309, effective September 5, 2006 (operative November 4, 2006).

See: 37 N.J.R. 2783(a), 38 N.J.R. 3572(a).

In (m)27, added entry "N.J.A.C. 7:27-27.7(k)".

Amended by R.2007 d.201, effective July 2, 2007.

See: 38 N.J.R. 3728(b), 39 N.J.R. 2531(a).

In the table in (m)14, added entries "School Bus Owner" and "School District, if the School District Does not Own the Bus <1>" and the corresponding note; and in the entries "Commercial Vehicle Registration" and "Property Owner", substituted "\$ 250" for "\$ 200" in the "First Offense" column, "\$ 500" for "\$ 400" in the "Second Offense" column and "\$ 1,000" for "\$ 3,000" in the "Fourth and Each Subsequent Offense" column.

Amended by R.2007 d.223, effective July 16, 2007 (operative August 17, 2007).

See: 39 N.J.R. 300(a), 39 N.J.R. 2637(a).

Added (m)30.

Amended by R.2007 d.235, effective August 6, 2007 (operative September 8, 2007).

See: 38 N.J.R. 5244(a), 39 N.J.R. 3352(a).

In (l), added the last two sentences; rewrote (m)14; and added (m)32.

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).

Added (u).

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).

In the Civil Administrative Penalty Schedule, rewrote (m)24, and added (m)26 and (m)34.

Administrative correction.

See: 41 N.J.R. 1418(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.

Amended by R.2013 d.113, effective September 16, 2013.

See: 44 N.J.R. 2092(a), 45 N.J.R. 2138(a).

In the table in (m)6, substituted "NM" for "M" in the entry for N.J.A.C. 7:27-6.2(d); in the table in (m)8, substituted "8.15(a)" for "8.9(a)", "8.15(b)" for "8.9(b)", "8.15(c)" for "8.9(c)", and "8.15(d)" for "8.9(d)"; in the table in (m)16, substituted "NM" for "M" in the entries for N.J.A.C. 7:27-16.3(i)1, N.J.A.C. 7:27-16.4(j), and N.J.A.C. 7:27-16.12(f) and (g), and inserted "NM" in the entries for N.J.A.C. 7:27-16.8(c)1, 2, and 3; in the table in (m)19, inserted the entry for N.J.A.C. 7:27-19.2(d), inserted "NM" throughout the entries for N.J.A.C. 7:27-19.8(e) and (f), substituted "Recordkeeping" for "Record Keeping" and inserted "NM" in the entry for N.J.A.C. 7:27-19.11(a), (b), and deleted "or (i)" in the entry for N.J.A.C. 7:27-19.16(c); in the table in (m)20, substituted "M" for "NM" twice in the entry for N.J.A.C. 7:27-20.2(d); in the table in (m)29, inserted the entries for N.J.A.C. 7:27-29.4 and N.J.A.C. 7:27-29.8(a); in the introductory paragraph of (n)1, inserted a comma following "offense"; in (n)1i, substituted "allowable standard" for "standard or allowable"; in (n)1iii, rewrote the entries in the fourth column of Table 1, and deleted footnotes 1 and 2 following Table 1 and footnotes 3 and 4 following Table 3; and in the table following (n)3, inserted footnotes 1, 2, and 8, and in footnote 7, substituted "one-hour" for "1-hour" twice, inserted "standard", and inserted ".00" three times.

Amended by R.2015 d.126, effective August 3, 2015 (operative August 30, 2015).

See: 46 N.J.R. 1510(a), 47 N.J.R. 1937(a).

Deleted (u).

Amended by R.2016 d.124, effective October 3, 2016 (operative December 2, 2016).

See: 48 N.J.R. 748(a), 48 N.J.R. 2049(a).

In the table in (m)14, substituted "N.J.A.C. 7:27-14.3(f)" for "N.J.A.C. 7:27-14.3(d)", inserted the entries for "N.J.A.C. 7:27-14.3(e)1" through "N.J.A.C. 7:27-14.4(a)4", deleted the entry for former "N.J.A.C. 7:27-14.7(d)", substituted "N.J.A.C. 7:27-14.7(c)" for "N.J.A.C. 7:27-14.7(h)", substituted "N.J.A.C. 7:27-14.7(d)" for "N.J.A.C. 7:27-14.7(i) and (k)", deleted the entries for "N.J.A.C. 7:27-14.7(g)", and "N.J.A.C. 7:27-14.8(a)" through "N.J.A.C. 7:27-14.9(j)", and deleted footnotes 2 through 13.

Amended by R.2017 d.166, effective September 5, 2017 (operative October 7, 2017).

See: 48 N.J.R. 1526(a), 49 N.J.R. 2935(a).

In (m)5, added footnote 10 following the first and second tables for N.J.A.C. 7:27-5.2(a), inserted references to footnote 10 in the first table, and substituted references to footnotes 7 and 10 for references to footnote 1 in the second table; and in (m)7, updated the N.J.A.C. reference in the introductory paragraph, inserted a comma following "(h)" in the first entry of the second table, added entry for N.J.A.C. 7:27-7.3, and added footnote 5 and inserted references thereto.

Amended by R.2017 d.190, effective November 6, 2017.

See: 49 N.J.R. 14(a), 49 N.J.R. 3518(a).

In the tables in (m)16, substituted entry "N.J.A.C. 7:27-16.7(t) and (u)" for entry "N.J.A.C. 7:27-16.7(t)", and inserted the entries and subentries for "N.J.A.C. 7:27-16.14(d) and (e)" through "N.J.A.C. 7:27-16.15(h), (i), (j), (k), (l), (m), or (n)" and "N.J.A.C. 7:27-16.24(c)" through "N.J.A.C. 7:27-16.24(e), (f), (g), or (h)"; and in (m)19, substituted entry "N.J.A.C. 7:27-19.5(k)" for entry "N.J.A.C. 7:27-19.5(k) and (l)", and inserted the entries and subentries for "N.J.A.C. 7:27-19.5(l)" and "N.J.A.C. 7:27-19.8(g) or (h)".

Amended by R.2017 d.201, effective November 20, 2017 (operative December 23, 2017).

See: 49 N.J.R. 1762(a), 49 N.J.R. 3590(a).

In the first table following (m)16, updated the entries regarding N.J.A.C. 7:27-16.3; and deleted (m)34.

Amended by R.2018 d.036, effective January 16, 2018 (operative February 12, 2018).

See: 49 N.J.R. 2373(a), 50 N.J.R. 454(a).

In the tables in (m)16, deleted the entries for "N.J.A.C. 7:27-16.6(b)" through "N.J.A.C. 7:27-16.6(i)", "N.J.A.C. 7:27-16.17(b)1", and "N.J.A.C. 7:27-16.17(e)", and substituted entry "N.J.A.C. 7:27-16.17(l) for "N.J.A.C. 7:27-16.17(n)"; in the tables in (m)17, deleted the entries for "N.J.A.C. 7:27-17.4(a)" and "N.J.A.C. 7:27-17.4(b)"; in the tables in (m)19, deleted the entry for "N.J.A.C. 7:27-19.24(b)"; and reserved (m)30 and (m)31.