

Subject: Stakeholder invitation: Air Administrative Procedures and Penalties,
Civil Administrative Penalties and Requests for Adjudicatory Hearings Rules

You are invited to a stakeholder meeting to discuss the proposed readoption with amendments of the Air Administrative Procedures and Penalties, Civil Administrative Penalties and Requests for Adjudicatory Hearings rules, N.J.A.C. 7:27A-3 et seq. which sunset in April 2011. The Department will be making a presentation at the meeting as to what amendments to the rule are under consideration. The amendments are all minor corrections and clarifications, and are listed below in Attachment A.

Upon conclusion of the presentation, the Department is interested in hearing your suggestions on the following:

- 1) Do you recognize the need and basis for the draft rule amendments that are under consideration?
- 2) Are there additional rule amendments the Department should take into consideration in this readoption?
- 3) In addition to the rule amendments under consideration, what other steps should the Department be taking to further streamline or improve the enforcement of the air pollution regulations while still protecting the air quality of the State?

Meeting date: **Thursday, January 20, 2011, 9:30 a.m. – 12 p.m.** at DEP Headquarters, **4th Floor large Conf Room**, 401 East State Street, Trenton, NJ.

Please RSVP to:

Shirley Nelson, Air and Hazardous Materials Compliance & Enforcement
at Shirley.Nelson@dep.state.nj.us or (609) 633-7288

If you attend the meeting, please sign in at the lobby receptionist before proceeding to the public hearing room.

This is not a public hearing, so no formal record of this meeting will be generated, beyond a record of those attending.

Thank you.

John Walsh, Section Chief

Mail Code 401-04B

State of New Jersey

Department of Environmental Protection

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Attachment A

Citation	Proposed Amendment	Reason
N.J.A.C. 7:27-8.9(a) - (d)	Should instead include citations for N.J.A.C. 7:27-8.15(a) through (d).	Typo
N.J.A.C. 7:27-6.2 (d) N.J.A.C. 7:27-16.3(i)1, (j), 12(f) or (g)	This would be an emission violation and should be designated as a non-minor violation.	Correction
N.J.A.C. 7:27-16.8(c)1-3 N.J.A.C. 7:27-19.8(e) - (f) N.J.A.C. 7:27-19.11(a) - (b) N.J.A.C. 7:27-19.16(c) - (i)	The rule currently does not designate violations as “minor” or “non-minor” for purposes of the Grace Period Law and this rule proposes to add such as minor or non-minor, based upon the criteria of the Grace Period Law.	Omission from 2005 NOx RACT Rule
N.J.A.C. 7:27-19.2(d)	The rule currently does not include penalties for this violation and this rule proposes to add such penalties to the matrix comparable to similar requirements.	Omission from 2005 NOx RACT Rule
N.J.A.C. 7:27-20.2(d)	This would be a paper work violation and should be designated as a minor violation.	Correction
N.J.A.C. 7:27-29.4 and 29.8(a)	The rule currently does not include penalties for these violations and this rule proposes to add such penalties to the matrix comparable to similar requirements.	Omission
N.J.A.C 7:27A-3.10(n)	Table 1 does not specifically mention that there would be a penalty for exceeding an oxygen limitation. The Department proposes to amend the title of the column entitled “Oxygen” in the table, so that it is clearer that exceeding an oxygen limit is subject to a penalty.	Clarification
N.J.A.C. 7:27A-3.10(n)	In Table 3 this rule proposes to clarify Table 3 so that each day during which the violation continues constitutes an additional, separate, and distinct offense, in accordance with N.J.A.C. 7:27A-3.10(c).	Clarification
N.J.A.C. 7:27-19.2(d)	This rule proposes to remove the word "record" from the rule text.	Typo from 2005 NOx RACT Rule
N.J.A.C. 7:27-19.11(a)	This rule proposes to add the words "or greater" to the rule text.	Typo from 2005 NOx RACT Rule