

NOTICE: This is a courtesy copy of these special adopted amendments and new rule. The official version of this rule will be published in the September 18, 2006 *New Jersey Register*. Should there be any discrepancy between this text and the official version of the rule, the official version will govern. For more information see the New Jersey Office of Administrative Law Rules page at <http://www.nj.gov/oal/rules.html>.

ENVIRONMENTAL PROTECTION COMPLIANCE AND ENFORCEMENT

Adopted Amendments: *N.J.A.C. 7:26-1.4, 5.4, 5.5, 5.6, 5.7, and 5.8* and *N.J.A.C. 7:26H-1.4, 5.18, 5.20, 5.21, and 5.22*

Adopted New Rules: *N.J.A.C. 7:26-5.10* and *7:26H-5.23*

Solid Waste Rules;

Solid Waste Utility Regulations

Penalties; Grace Period

Proposed: September 6, 2005 at *37 N.J.R. 3130(a)*.

Adopted: August 24, 2006 by Lisa P. Jackson, Commissioner, Department of Environmental Protection.

Filed: August 24, 2006 as R.2006 d.343, with **substantive and technical changes** not requiring additional public notice and comment (*N.J.A.C. 1:30-4.3*).

Authority: *N.J.S.A. 13:1D-1* et seq.; *13:1B-3*; *13:1E-1* et seq.; *13:1E-9*; *13:1D-125* et seq.; *26:2C-1* et seq.; *47:1A-1* et seq.; *48:13A-1* et seq.; *48:13A-7.1* et seq.; 10-23.11; 58:10A-1 et seq.

DEP Docket Number: 22-05-06/410.

Effective Date: September 18, 2006.

Expiration Date: May 17, 2007, *N.J.A.C. 7:26*; October 11, 2007, *N.J.A.C. 7:26H*.

The Department of Environmental Protection (Department) hereby adopts proposed amendments and new rules to the Solid Waste Rules at *N.J.A.C. 7:26* and the Solid Waste Utility Rules at *N.J.A.C. 7:26H*. The adopted amendments and new rules identify violations of the Solid Waste Rules and the Solid Waste Utility Rules as either minor or non-minor to provide grace periods in accordance with P.L. 1995, c. 296, *N.J.S.A. 13:1D-125* et seq., commonly known as the Grace Period Law. The adopted amendments also add penalties for violations not previously included in these rules and revise the base penalties for all violations.

The Department published the proposed amendments and new rules in the *New Jersey Register* at *37 N.J.R. 3130(a)* on September 6, 2005. The comment period for the proposal closed on November 5, 2005.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing was held on October 3, 2005 at the New Jersey Department of Environmental Protection, 401 East State Street, Trenton, New Jersey. John Castner, Director, County Environmental and Waste Enforcement Programs, served as the hearing officer at the public hearing. No one testified at the hearing. The hearing officer recommended that the Department adopt the amendments and new rules as proposed with the changes described in the Summary of Public Comments and Agency Responses below. The Department has accepted the Hearing Officer's recommendations. A record of the public hearing is available in accordance with applicable law by contacting:

New Jersey Department of Environmental Protection

Office of Legal Affairs

Attention Docket Number 22-05-06/410

401 East State Street

P.O. Box 402

Trenton, New Jersey 08625-0402

Summary of Public Comments and Agency Responses:

The following persons or entities timely submitted written comments.

1. Dawn M. Prandi, Somerset County Department of Health
2. Sandra T. Ayres, Scarinci & Hollenbeck, LLC
3. Albert A. Fralinger III, PSE&G
4. George Marinakis, Cape May County Municipal Utilities Authority

The timely submitted comments and the agency's responses are summarized below. The number in parentheses after each comment identifies the respective commenters listed above.

General Comments

1. COMMENT: The commenter supports the Department's concept of a 30-day grace period for minor violations of the solid waste rules, and agrees with the Department's assessment that minor violations are violations that can easily be corrected within a very short time frame. (3)

RESPONSE: The Department acknowledges this comment in support of the amendments and new rules.

2. COMMENT: Labeling all violations of a rule non-minor may, in practice, arbitrarily deny grace periods for deviations that in reality are minor violations. This would be contrary to the goal the Grace Period Law as envisioned by the Legislature. (2)

RESPONSE: In *N.J.S.A. 13:1D-129*, the Legislature directed the Department to promulgate regulations identifying types or categories of violations as minor or non-minor, so the Department was obligated to designate particular permit conditions or regulations as minor or non-minor. This does not prevent the Department from exercising its enforcement discretion for non-minor violations if the Department decides not to penalize a violator if the facts do not warrant a penalty assessment.

3. COMMENT: As written, the proposed rules are problematic insofar as they may be interpreted, especially by local enforcement agencies, as an abandonment of past informal enforcement practices and as now requiring automatic issuance of a notice of violation, no matter how trivial the deviation at issue, no matter what the cause and no matter how quickly compliance is restored. (2)

RESPONSE: The commenter is correct that the Department or a local governmental agency must now issue a notice of violation for each permit or regulatory violation, even if it is minor, because the Legislature expressly directed the issuance of an order or notice of violation for a minor violation. See *N.J.S.A. 13:1D-129*. The issuance of a notice of violation does not necessarily mean that a penalty will be assessed. Instead, it puts the entity on notice that a violation has been cited and documented in the Department's records. For those violations classified as minor violations and which meet the case-specific criteria for minor violations, the applicable grace period is offered. If the violation is corrected within the grace period and does not occur again within one year, no penalty assessment is issued. If, however, the violation is cited, corrected but repeated within the one-year time period, then the Department can issue a penalty as a deterrent to continuing non-compliance.

4. COMMENT: Each of the introductory provisions at *N.J.A.C. 7:26-5.4(g)1* through 14 and *7:26H-5.18(f)1* through 5 should read "whether the violation is presumptively minor or non-minor. . . ." (2)

RESPONSE: The commenter's proposed addition of the term "presumptively" would result in a true statement with regard to minor violations because, as noted in the proposal Summary, the Department reserves its discretion to treat a minor violation as non-minor if the circumstances of the violation as it occurred so warrant. However, as to non-minor violations, the suggested addition would erroneously imply that non-minor violations might be treated as minor in a specific case. A violation that the Department classified as non-minor in the rule cannot, by definition, be treated as minor, regardless of the circumstances under which the violation occurred, because it does not meet the statutory criteria for minor violations in the first instance. As explained in the proposal Summary, a minor violation is so classified be-

cause it poses minimal risk to the public health, safety and natural resources; does not materially and substantially undermine or impair the goals of the regulatory program; and the activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department.

5. COMMENT: The second paragraph under "Grace Period Amendments" in the Summary of the rule proposal should read: "The Grace Period Law does not affect the Department's and local government agency's enforcement authority, including the exercise of enforcement discretion, to treat a violation as minor. In those situations where a violation is labeled as non-minor in these amendments and new rules, but in fact the specific violation as it occurred fulfills all the statutory requirements for a minor violation (*N.J.S.A. 13:1D-129(b)*), the Department or local government agency reserves its discretion to treat the violations as minor. The Department and local government agency also reserve their discretion to forego enforcement action if an incident that might otherwise be deemed a minor violation was unavoidable and is being immediately and adequately addressed." (2)

RESPONSE: As explained in the prior response, a violation that the Department has determined to be non-minor cannot, by definition, be treated as minor, regardless of the circumstances under which the violation occurred, because it does not meet the statutory criteria for minor violations in the first instance. However, as noted in the proposal Summary, the Department has the discretion to treat a minor violation as non-minor if the circumstances of the violation warrant.

6. COMMENT: The proposed modifications to incorporate the grace period law are supported, except for the base penalty amounts for minor and non-minor violations, which should not be increased as proposed. (4)

RESPONSE: The Department acknowledges the commenter's support for the adoption of the grace period provisions. As for the base penalty amounts, as stated in the proposal Summary, the base penalty for minor violations is being set at \$ 3,000 due to a determination that \$ 3,000 is the minimum amount that would have a deterrent effect for minor violations. The non-minor base penalty amount was established using the penalty matrix. The matrix range for a violation categorized as Minor Conduct and Moderate Seriousness or Moderate Conduct and Minor Seriousness is \$ 3,000 to \$ 6,000. The mid-point of that range is \$ 4,500, which was established as the minimum base penalty amount for non-minor violations in order to likewise establish an amount with a sufficient deterrent effect.

Comments on Individual Violations

7. COMMENT: The commenter disagrees with the Department's categorization of violations of *N.J.A.C. 7:26-3.4(c)*, (d) and (f) as minor based upon the Department's own criteria. (1)

RESPONSE: It has been the Department's experience that many times these violations do not risk real harm to human health and the environment and thus would not frequently meet the criteria for being deemed non-minor. For example, a violation of *N.J.A.C. 7:26-3.4(d)* could be merely a small hole, faulty seal or gasket, or tear in a tarp that caused a minor leak. Conversely, the violation could be for a hole or tear that causes a major leak of materials. Violations of *N.J.A.C. 7:26-3.4(c)* can also vary in degree. An equipment breakdown could cause waste to remain in a solid waste vehicle for 24.5 hours or a sufficient number of hours past 24 to cause severe odors or even fires. Moreover, the Department would be severely penalizing the violator for circumstances that may have been beyond his or her control, as even the best maintained equipment can malfunction and it is not possible to plan for every contingency. With respect to *N.J.A.C. 7:26-3.4(f)*, solid waste vehicles used for the transportation of solid waste should be maintained in good working condition to protect the health and safety of the workers and citizens of the state. However, a tear in a tarp or small hole in the side of a roll off box are things that can easily be corrected and may not pose an immediate threat to the health and safety of workers and citizens. The Department will continue to exercise its enforcement discretion in determining on a case by case basis if the violation of this provision warrants treatment as non-minor. The Department believes, therefore, that it is appropriate in most cases to designate violations of the aforementioned regulatory provisions as minor. If the circumstances surrounding a particular incident involve an intentional violation or harm to public health, safety or natural resources, then the Department has the authority to treat the violation as non-minor.

8. COMMENT: The description of the violations listed in the table at *N.J.A.C. 7:26-5.4(g)13* concerning *40 CFR § 273.13(a)2* and *273.33(a)2* is erroneous. A violation of *40 CFR § 273.13(a)2* and *273.33(a)2* arises when the handler breaches a casing of a battery cell and does not immediately manage this battery as a hazardous waste. This is consistent with EPA's RCRA On-Line Guidance #EPA530-R-005i dated September 2002, which states (paraphrased) that a handler of universal waste must manage a battery with a breach in the cell casing as a hazardous waste, not as a universal waste. Accordingly, the Department should change the wording of the description of the violation contained in the "Rule Summary" section of *40 CFR § 273.13(a)2* to read (deletion in brackets, addition in boldface), "Failure of Small

Quantity Handler of Universal Waste conducting activities not to [breach the casing of individual battery cells] **manage as hazardous waste casings of individual battery cells that have been breached,**" and should change the wording of the description of the violation contained in the "Rule Summary" section of *40 CFR § 273.33(a)2* to read (deletion in brackets, addition in boldface), "Failure of Large Quantity Handler of Universal Waste conducting activities not to [breach the casing of individual battery cells] **manage as hazardous waste casings of individual battery cells that have been breached.**" (3)

RESPONSE: The Department agrees with the commenter and will make the change to the "Rule Summary" in the table for this violation so that it accurately reflects the substance of the underlying rule.

9. COMMENT: The commenter supports the Department's position that marking and labeling violations, for generators during pre-transport, meet the Department's criteria for minor violations proposed in *N.J.A.C. 7:26-5.5(f)1*. (3)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

N.J.A.C. 7:26-5.4(g)2 Table Violations

10. COMMENT: The commenter opposes increasing the penalty for violations of *N.J.A.C. 7:26-2.13(c)1*, failure of the facility operator to verify the O&D form, from \$ 2,000 to \$ 4,500 and its designation as non-minor. This increase is excessive and is not appropriate for the nature of the violation, particularly when compared to what should be a much more significant violation, failure to apply and receive approval of a SWF permit prior to engaging in the disposal of solid waste, which is also designated as non-minor and carries the same base penalty of \$ 4,500. Clearly, the Department's proposed penalty structure is inequitable when the inadvertent oversight of a weighmaster to sign or initial an O&D Form is considered a significant violation with a base fine of \$ 4,500 or more. (4)

RESPONSE: *N.J.A.C. 7:26-2.13(c)1* concerns more than simply having the weighmaster sign or initial the O&D form. The rule states, "The facility operator shall verify that the form has been completed by a registered transporter, that the waste as identified by the transporter may be disposed of at the facility in compliance with the host District Solid Waste Management Plan and the facility's registration, and, where applicable, the facility's computer recording of scale data is in conformance with the information supplied, and sign the completed form." A violation of any portion of this regulation would significantly undermine the goals of the regulatory program because it could allow the disposal of the wrong type waste at a solid waste facility or at a facility not equipped to handle the waste. It must therefore be considered non-minor. Additionally, as explained in the proposal Summary, the Department is increasing all minimum penalties to ensure their deterrent effect, including setting the minimum penalty for non-minor violations of the Solid Waste rules at \$ 4,500. On adoption, the Department has modified the Rule Summary in the table for this citation so that it accurately reflects the substantive regulatory requirement.

11. COMMENT: The commenter opposes increasing the penalty for a violation of *N.J.A.C. 7:26-2.11(b)6*, 8 and 9 to \$ 4,500 and the designation of these violations as non-minor violations. It is inconsistent to designate operational violations such as maintaining facility systems and equipment, insect and rodent control, and not exceeding design capacity as non-minor when violations of *N.J.A.C. 7:26-2.11(b)9*, failure to comply at all times with conditions of a similar nature within a Solid Waste Facility permit, are categorized as minor with a 30-day grace period. It is believed that these violations should be classified as minor and given a grace period during which corrective action can be taken. (4)

RESPONSE: *N.J.A.C. 7:26-2.11(b)6*, 8 and 9 require a facility to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime; to control insects, other arthropods and rodents; and to comply at all times with the conditions of SWF permit, respectively.

The Department disagrees with the commenter that *N.J.A.C. 7:26-2.11(b)6* and 8 should be categorized as minor. *N.J.A.C. 7:26-2.11(b)6* requires the facility operator to maintain facility equipment, such as equipment that controls dust and emissions of air contaminants, which, if not working properly, adversely impacts public health. *N.J.A.C. 7:26-2.11(b)8* addresses a basic public health issue about controlling insects, arthropods and rodents that could transmit diseases and otherwise adversely impact public health. These requirements represent violations that could have significant environmental impacts and/or undermine the rules.

The Department categorized *N.J.A.C. 7:26-2.11(b)9* as minor to accommodate the paperwork and other conditions that may be included in a permit that do not pose a threat to the environment if violated. If a violation of a permit condition caused environmental harm or posed a threat to human health, the Department would use its discretion to treat this violation as non-minor with no grace period allowance since it would not in those circumstances meet the criteria for a minor violation.

As explained in the proposal Summary, the Department is increasing all minimum penalties to ensure their deterrent effect, including setting the minimum penalty for non-minor violations of the Solid Waste rules at \$ 4,500.

12. COMMENT: The base penalty amount for violations of *N.J.A.C. 7:26-2.8(e)* and (f) for failure to obtain a solid waste facility permit should be equal as the violations are virtually the same. (4)

RESPONSE: A violation of *N.J.A.C. 7:26-2.8(e)* involves the failure to apply for and receive approval of a solid waste facility permit prior to engaging in the disposal of solid waste in New Jersey. The Department proposed setting the base penalty for this violation at \$ 4,500. A violation of *N.J.A.C. 7:26-2.8(f)* involves the failure to obtain a solid waste facility permit prior to constructing or operating a solid waste facility, the base penalty for which is \$ 5,000. The Department agrees that these two violations are similar enough that the penalties should be the same. Accordingly, the Department is changing the penalty amount for *N.J.A.C. 7:26-2.8(f)* to \$ 4,500 on adoption because these citations are considered equal.

13. COMMENT: The grace period for violations of *N.J.A.C. 7:26-2.11(b)2* should be reduced because it should not take 30 days to complete corrective action for failure to ensure any waste stored overnight at any facility is effectively treated to prevent odors associated with putrefaction. (4)

RESPONSE: While the Department agrees that it should not take 30 days to complete corrective action, the minimum grace period allowed by the Grace Period Law is 30 days, unless the Department establishes a special class of minor violations that must be corrected in less than 30 days for health and safety reasons. For example, if there were a requirement to notify the Department within 24 hours, then for reasons of health and safety 30 days to comply would be inappropriate. In this case, it may take a number of days to implement a system for controlling odors, and thus the statutory minimum grace period of 30 days is appropriate.

14. COMMENT: The modified Rule Summary language for violations of *N.J.A.C. 7:26-2.11(b)5*, that specify that no odors of sufficient strength and duration so as to be injurious to human health or unreasonably interfere with the enjoyment of life or property may be detected offsite, is supported. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

15. COMMENT: Violations of *N.J.A.C. 7:26-2.13(a)1* through 8, which are all related to failure to maintain solid waste disposal records, should all be minor. The rule proposal is inconsistent in designating a violation of *N.J.A.C. 7:26-2.13(a)8*, failure to install or operate scales and keep records, as a minor violation, yet *N.J.A.C. 7:26-2.13(a)1* through 7 violations are proposed as non-minor. (4)

RESPONSE: The Department agrees that a violation of *N.J.A.C. 7:26-2.13(a)1* through 7 should all be minor to be consistent with the designation of a violation of *N.J.A.C. 7:26-2.13(a)8* as minor, since each of these paragraphs builds upon the previous paragraph. Specifically, paragraphs 1 through 6 of *N.J.A.C. 7:26-2.13(a)* concern the components of the daily record of wastes received that must be maintained by each solid waste facility permittee, including sanitary landfills that accept asbestos and asbestos-containing waste materials, and transfer stations and materials recovery facilities that receive more than 31,200 tons of solid waste annually. In addition to complying with *N.J.A.C. 7:26-2.13(a)1* through 6, sanitary landfills that accept asbestos and asbestos-containing waste materials must also keep a separate daily record of the asbestos and asbestos-containing waste received, pursuant to *N.J.A.C. 7:26-2.13(a)7*. Similarly, transfer stations and materials recovery facilities that receive more than 31,200 tons of solid waste annually must comply with the requirements of *N.J.A.C. 7:26-2.13(a)8*, including daily recordkeeping requirements. The Department has determined that a violation of *N.J.A.C. 7:26-2.13(a)8* is a minor violation that can be ameliorated within a 30-day grace period. The Department agrees with the commenter that the requirements of *N.J.A.C. 7:26-2.13(a)1* through 7 are sufficiently similar to *N.J.A.C. 7:26-2.13(a)8* such that a violation of any of these requirements should also be minor and assigned a 30 day grace period. Therefore, on adoption, the Department is changing the type of violation for *N.J.A.C. 7:26-2.13(a)1* through 7 from non-minor to minor, the base penalty amount from \$ 4,500 to \$ 3,000, and assigning a grace period of 30 days.

N.J.A.C. 7:26-5.4(g)5 Table Violations

16. COMMENT: The commenter supports establishing new violations and penalty amounts for rail carriers that transfer containerized or non-containerized solid waste to or from rail. The proposal to enforce New Jersey's environmental laws and regulations on rail carriers is appropriate and essential to insuring the health, safety and welfare of the citizens of New Jersey. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

N.J.A.C. 7:26-5.4(g)6 Table Violations

17. COMMENT: The new violation proposed for failure of a transporter to haul solid waste in accordance with the district Solid Waste Management Plan as set forth in *N.J.A.C. 7:26-3.4(m)*; modification of the Rule Summary language for violations of *N.J.A.C. 7:26-3.5(h)2* in order to clarify that the transporter must complete the Origin and Destination (O&D) form **prior** to transporting solid waste for disposal; and establishment of new violations and penalty assessments for infractions of *N.J.A.C. 7:26-3.6(g)* related to the transportation and operation of intermodal facilities, are supported. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

N.J.A.C. 7:26-5.4(g)7 Table Violations

18. COMMENT: The commenter opposes increasing the base penalty from \$ 500.00 to \$ 3,000 for violations of *N.J.A.C. 7:26-3A.16(h)*, failure to comply with home self-care regulated medical waste (RMW) requirements. While compliance with home self-care RMW requirements is necessary, a Statewide program to increase education and establishment/expansion of the infrastructure to collect such waste are essential prerequisites to enforcement of increased penalty assessments against home self-care users of RMW. The sick and elderly, the most likely violators of this rule, are the least able to pay such a fine. This proposal for a six-fold increase in penalties is both socially and economically unjust. (4)

RESPONSE: The Department has categorized *N.J.A.C. 7:26-3A.16(h)* as a minor violation. Therefore, there would be no penalty assessment for a first offense if the violation was ameliorated within the grace period. It is unlikely that violators would repeat the violation or fail to ameliorate the violation within the allotted grace period. Accordingly, it is unlikely that a penalty will actually be assessed. As stated above, all base penalties for minor violations of the Solid Waste rules have been set at \$ 3,000, and the penalty for a violation of this rule is consistent with the base penalty set for all minor violations.

The Department agrees that increased education and establishment or expansion of the infrastructure to collect RMW are needed and will begin discussions with the Department of Health on these matters.

N.J.A.C. 7:26-5.4(g)8 Table Violations

19. COMMENT: The commenter supports modification of the Rule Summary language and updating the rule reference for violations of the district solid waste management plan, *N.J.A.C. 7:26-6.12(b)*, in that it is consistent with the current rule. However, the Department's proposal to reduce the base penalty assessment from \$ 10,000 to \$ 4,500 is not supported. Such a reduction in the penalty assessment for failure to comply with the provisions of the district solid waste management plan would send the wrong message and only serve to undermine the integrity of the planning process that both the State and the Districts have diligently developed, implemented and relied upon in a joint effort to insure the proper management and disposal of our solid waste. The proposed reduction of the base penalty by more than half is detrimental in that it will not provide a sufficient deterrent as district plan violations currently occur even with a \$ 10,000 base penalty assessment. This penalty assessment for district plan violations remains an important enforcement tool to achieve solid waste management and recycling goals in compliance with both the district and Statewide Solid Waste Management Plan. (4)

RESPONSE: The Department agrees with the commenter that district solid waste management plans (district plans) are integral to the proper management and disposal of solid waste. It is likely that a violation of *N.J.A.C. 7:26-6.12(b)* will be related to other components of a district plan, including, but not limited to, recordkeeping and reporting requirements for both solid and hazardous waste, recyclables mishandling, and traffic routes. While these violations are important, and, therefore, non-minor, they do not merit a \$ 10,000 base penalty for the first offense. Additionally, the Department notes that the violation of *N.J.A.C. 7:26-6.12(b)* was not previously identified in the penalty table. Consequently, as a newly listed non-minor violation, the base penalty was set at \$ 4,500, as explained in the proposal Summary. If the base penalty is determined to be an insufficient deterrent or if the circumstances surrounding a particular incident warrant, the matrix can be used to assess a penalty of greater than \$ 4,500. In addition, repeat violations would trigger the use of a severity factor, resulting in a potentially doubled penalty of \$ 9,000.

N.J.A.C. 7:26-5.4(g)9 Table Violations

20. COMMENT: Failure of a recycling center to ensure that the temporary storage of Class B recyclable materials does not exceed the amount indicated in the general or limited approval to operate also applies to Class D materials and the Department should update the Rule Summary to specifically include Class D materials, not just Class B materials as currently presented in the rule proposal. (4)

RESPONSE: The Department agrees and has modified the rule summary for both *N.J.A.C. 7:26A-3.9(a)* and *3.9(b)* to include Class D materials on adoption so that the Rule Summary of the violations accurately reflects the text of the underlying rule.

N.J.A.C. 7:26-5.4(g)10 Table Violations

21. COMMENT: *N.J.A.C. 7:26A-4.5(a)6*, failure of a Class C yard trimming operator to only accept incoming materials containing grass in areas of the site that are at least 1,000 feet from any areas of human occupancy and to process such material within the working day, is similar to *N.J.A.C. 7:26-2.11(b)2* for failure to ensure that any waste stored overnight at a solid waste disposal facility is effectively treated to prevent odors associated with putrefaction. However, as proposed, the Class C citation is non-minor, while a violation of *N.J.A.C. 7:26-2.11(b)2* is minor. (4)

RESPONSE: The Department agrees that these violations should be consistently categorized for grace period purposes. Both of these provisions require prophylactic measures designed to prevent odor from putrefaction (no storage of grass clippings within 1,000 feet of any area of human occupancy, grass clipping processing must begin on the day of delivery, no overnight storage of solid waste unless effectively treated to prevent odors). The presumption is that a violation of the limits would result in odors. However, on a practical basis, this is not always the case. Where, for example, a facility is storing grass clippings within 800 feet of an area of human occupancy but such storage did not result in any odors, allowing the facility to come into compliance with the storage requirement would pose minimal risk, if any, to the public health, safety and natural resources, does not materially and substantially undermine or impair the goals of the regulatory program and can be ameliorated within the allotted grace period. Moreover, if odors are present, the Department has the ability to cite, pursuant to *N.J.A.C. 7:27A-5.2(a)*, the facility for that odor as a non-minor violation under the air pollution protection rules. Accordingly, on adoption, the Department has modified the table so that *N.J.A.C. 7:26A-4.5(a)6* is a minor violation, with a base penalty of \$ 3,000 and a 30-day grace period.

22. COMMENT: *N.J.A.C. 7:26A-4.5(a)6* states that "processing of such materials should begin on the day of receipt." The summary of this violation as listed in the table at *N.J.A.C. 7:26-5.4(g)10* contains the phrase "to process such materials within the working day." This Rule Summary language should be corrected/clarified. (4)

RESPONSE: The Department agrees and has modified the language for the rule summary of *N.J.A.C. 7:26A-4.5(a)6* on adoption to read as follows so that the Rule Summary of the violation accurately reflects the text of the underlying rule: Failure of Class C yard trimming operator to accept incoming materials containing grass, only in areas of the site that are at least 1,000 feet from any areas of human occupancy and to begin processing such material on the day of receipt.

N.J.A.C. 7:26-5.4(g)12 Table Violations

23. COMMENT: Establishment of new violations regarding the standards for management of used oil is supported. Implementation of the grace period for minor violations is supported. However, the base penalty amounts being established for some minor and non-minor violations are excessive and do not promote recycling activities; therefore, they are opposed. (4)

RESPONSE: The Department acknowledges the comment in support of the new violations and the implementation of grace periods for minor violations of the used oil rules. As stated in the Summary of the proposal, the base penalty for all minor violations is being set at \$ 3,000. The non-minor base penalty amount was established using the penalty matrix. The matrix range for a violation categorized as Minor Conduct and Moderate Seriousness or Moderate Conduct and Minor Seriousness is \$ 3,000 to \$ 6,000. The mid-point of that range is \$ 4,500, which was established as the minimum base penalty amount for non-minor violations.

24. COMMENT: The establishment of minor violations for failure of retail service stations to accept do-it-yourselfer used oil is strongly supported. Although mandated by New Jersey statute, many retail service stations have historically refused to accept used motor oil for recycling from do-it-yourselfers. This proposal should promote used oil recycling and provide convenient low-cost alternative to the improper disposal of this potentially hazardous waste. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

N.J.A.C. 7:26-5.4(g)13 and 14 Table Violations

25. COMMENT: The original intent of the Universal Waste Rules for small quantity handlers was to institute a simpler but safe process by which potentially hazardous materials could be separately collected for recycling or disposal and diverted from routine disposal in the mixed solid waste stream. However, many of the new violations and associated base penalties currently proposed by the Department effectively convert a non-permitted small quantity handler of Universal Waste into a regulated facility. For example, the violation for improperly handling a pesticide, as found at 40 CFR § 273.13(b)1, has been proposed by the Department to be a non-minor violation with a base penalty of \$ 4,500. A violation and penalty such as this could be immediately levied by the Department on a non-permitted small quantity handler of Universal Waste for having an almost empty container of the pesticide "Roundup" stored at the facility in a collection container that is not closed. The issuance of such a violation and penalty is much too severe for a violation such as this. Moreover, such regulatory overzealousness by the Department may result in small quantity handlers no longer including pesticides or other materials on their list of acceptable materials and would encourage the return of these potentially dangerous materials back into the municipal solid waste stream and/or the improper disposal of such materials. Providing greater flexibility in the proposed regulations regarding the handling of these materials and related offenses would help to achieve a more workable balance between proper materials handling and encouraging recovery and recycling. (4)

RESPONSE: The Universal Waste Rules for small quantity handlers are not limited to entities which would otherwise routinely dispose of this hazardous waste in the mixed solid waste stream (conditionally exempt small quantity generators--CESQGs), but also apply to small quantity generators (SQGs) and large quantity generators (LQGs) of hazardous waste. The Universal Waste Rules allow entities to handle/store applicable hazardous wastes, historically handled under full Resource Conservation and Recovery Act (RCRA) regulation, under certain less stringent standards. However, generally, the reduction in regulatory standards is realized mostly in RCRA paperwork and tracking requirements and in most instances does not apply to container management requirements.

The Department does not share the commenter's concern that the penalties to be assessed in the event that this waste is mishandled would discourage SQG's from accepting this waste or that recovery and recycling would be discouraged. Universal Waste is, by definition, hazardous waste, and if disposed, instead of recycled, would have to be classified and handled as a hazardous waste. The fact that this waste may be handled as universal waste provides sufficient impetus for recovery and recycling because, without the Universal Waste rules, the more extensive hazardous waste licensing, handling and disposal rules would apply.

N.J.A.C. 7:26-5.4(g) Base Penalty

26. COMMENT: Implementation of the grace period for minor violations is supported. However, increasing the base penalty amounts for minor and non-minor violations, as proposed, is excessive and therefore opposed. (4)

27. COMMENT: Implementation of the grace period for minor violations of *N.J.A.C. 7:26H* is supported. However, increasing the base penalty amounts for minor and non-minor violations is, in some instances, excessive and therefore opposed. (4)

28. COMMENT: The proposed modifications to *N.J.A.C. 7:26H-5.19* to incorporate the grace period law are supported except for the base penalty amounts for minor and non-minor violations, which should not be increased as proposed. (4)

RESPONSE TO COMMENTS 26 THROUGH 28: As stated previously and in the proposal Summary, the Department is increasing the base penalties in order to establish penalty amounts which will have a deterrent effect. The base penalty for minor violations of *N.J.A.C. 7:26*, *7:26A* and 40 CFR § 273 is being set at \$ 3,000. The non-minor base penalty amount was established using the penalty matrix. The matrix range for a violation categorized as Minor Conduct and Moderate Seriousness or Moderate Conduct and Minor Seriousness is \$ 3,000 to \$ 6,000. The mid-point of that range is \$ 4,500, which was established as the minimum base penalty amount for non-minor violations.

As stated in the proposal Summary, the base penalty for minor violations in *N.J.A.C. 7:26H* is being set at \$ 2,000. The non-minor base penalty amount was established using the penalty matrix. The matrix range for a violation categorized as Minor Conduct and Moderate Seriousness or Moderate Conduct and Minor Seriousness is \$ 2,000 to \$ 3,000. The mid-point of that range is \$ 2,500, which was established as the minimum base penalty amount for non-minor violations.

N.J.A.C. 7:26-5.6 through 5.10

29. COMMENT: The proposed subsection (e) at both *N.J.A.C. 7:26-5.6* and *7:26H-5.20* should read (addition in boldface): "A **knowing** violation under this section is non-minor and therefore not subject to a grace period." A new subsection should read: "(f) An unintentional inaccuracy may be a minor violation if it meets the criteria at *N.J.A.C. 7:26-5.5(f)1i* through *iii* and *N.J.A.C. 7:26-5.10*." (2)

30. COMMENT: The Department has proposed that a violation for submitting inaccurate or false information be classified as non-minor and therefore not subject to a grace period. Clearly inadvertent and/or typographical errors should not be classified as "non-minor" violations and therefore subject to rather substantial penalty assessment. Greater flexibility is required in assessing such violations, including the application of the grace period provision, if required to correct such inaccuracies. Such violations should only be categorized as non-minor if the inaccurate information is substantive in nature and/or there was willful intent on the part of the violator. (4)

RESPONSE: Both *N.J.A.C. 7:26-5.6* and *7:26H-5.20* concern civil administrative penalties for submitting inaccurate or false information to the Department, and new subsection (e) to each of these sections makes a violation under these sections non-minor and not subject to a grace period. Submitting false or inaccurate information undermines the goals of the regulatory program because the Department relies upon such information in determining compliance with the regulations and statutes and applicable permit conditions and as such should be considered non-minor. The Department may still use discretion prior to assessing a penalty if it is shown that the information was a typographical error or similar error.

31. COMMENT: The Department's proposal at *N.J.A.C. 7:26-5.7* (and, similarly, at *N.J.A.C. 7:26H-5.21*) to designate a violation for failure to allow lawful entry and inspection as non-minor and therefore not subject to a grace period is supported. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

32. COMMENT: At *N.J.A.C. 7:26-5.8*, the Department has proposed that a violation for failure to pay a fee is non-minor and therefore not subject to a grace period. Such violations should only be categorized as non-minor if the violator was notified that the fee was due and failed to pay any non-disputed fees within a reasonably established time frame. (4)

RESPONSE: The current Department policy is to issue Second and Third Notices for delinquent fees (each issued 30 days after the previous notice). A notice of violation would not be issued until the Third Notice remains unpaid. Therefore, the Department believes that this violation warrants the categorization of non-minor with automatic penalty assessment.

33. COMMENT: *N.J.A.C. 7:26-5.10(a)* should be amended to read: "(a) Each violation determined to be minor under *N.J.A.C. 7:26-5.5(f)1* and each violation presumptively identified in the penalty tables at *N.J.A.C. 7:26-5.4(b)* by an 'M' in the Type of Violation column for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period...." Subsection (b) should be amended to read: "(b) Each violation presumptively identified in the penalty tables at *N.J.A.C. 7:26-5.4(g)* by an 'NM' in the Type of Violation column is a non-minor violation and is not subject to a grace period unless at the time it is demonstrated that the statutory criteria for designation as a minor violation are satisfied in which case the violation shall be deemed minor and subject to a grace period of ninety (90) days." Subsection (d) should be amended to read: "(d) For a violation determined to be minor under (b) or (c) above, the following provisions apply: 1. The Department or local government agency may issue a notice of minor violation to the person responsible for the minor violation that: ... (ii) Specifies that a no penalty may be imposed if 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 (d)3 below, that compliance has been achieved within the specified grace period or any approved extension thereof, the Department or local government agency shall formally withdraw the notice of minor violation and shall not impose a penalty for the violation, and in addition, shall not consider the minor violation for purposes of calculating the 'severity penalty component' under *N.J.A.C. 7:26-5.4(f)*." (2)

34. COMMENT: Subsection (a) should be amended to read: "(a) Each violation determined to be minor under *N.J.A.C. 7:26H-5.19(f)1* and each violation presumptively identified in the penalty tables at *N.J.A.C. 7:26H-5.18(f)* by an 'M' in the Type of Violation column, for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period" Subsection (b) should be amended to read: "(b) Each violation presumptively identified

in the penalty tables at *N.J.A.C. 7:26H-5.18(f)* by an 'NM' in the Type of Violation column is a non-minor violation and is not subject to a grace period unless at the time it is demonstrated that the statutory criteria for designation as a minor violation are satisfied in which case the violation shall be deemed minor and subject to a grace period of ninety (90) days." Subsection (d) should be amended to read: "(d) For a violation determined to be minor under (b) or (c) above, the following provisions apply: 1. The Department or local government agency may issue a notice of minor violation to the person responsible for the minor violation that: . . . (ii) Specifies that no penalty may be imposed if 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 (d)3 below, that compliance has been achieved within the specified grace period or any approved extension thereof, the Department or local government agency shall formally withdraw the notice of minor violation and shall not impose a penalty for the violation, and in addition, shall not consider the minor violation for purposes of calculating the 'severity penalty component' under *N.J.A.C. 7:26H-5.18(e)*." (2)

RESPONSE TO COMMENTS 33 AND 34: The Department disagrees with the suggested addition of the cross-reference to *N.J.A.C. 7:26-5.5(f)1* and *7:26H-5.19(f)1* at *N.J.A.C. 7:26-5.10(a)* and *7:26H-5.23(a)*, as this would be redundant. *N.J.A.C. 7:26-5.5* and *7:26H-5.19* concern determining a penalty utilizing the penalty matrix that is a part of this section, and *N.J.A.C. 7:26-5.5(f)1* and *7:26H-5.19(f)1* contain the criteria to be utilized in determining whether a penalty assessed under the matrix is minor. Adding the suggested cross-reference to *N.J.A.C. 7:26-5.10(a)* and *7:26H-5.20* would merely repeat what is already covered in *N.J.A.C. 7:26-5.5(f)1* and *N.J.A.C. 7:26H-5.19(f)1*.

The Department disagrees with the commenter's proposed addition of the term "presumptively" and the other suggested revisions to *N.J.A.C. 7:26-5.10(b)* and *7:26H-5.23(b)*. A violation that the Department classified as non-minor in the rule cannot, by definition, be treated as minor, regardless of the circumstances under which the violation occurred, because it does not meet the statutory criteria for minor violations in the first instance. As explained in the proposal Summary, a minor violation is so classified because it poses minimal risk to the public health, safety and natural resources; does not materially and substantially undermine or impair the goals of the regulatory program; and the activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department. Please also see the Department's Response to Comment 2 above.

The Department also disagrees with the proposed changes to the language of *N.J.A.C. 7:26-5.10(d)* and *7:26H-5.20(d)*. As described in the proposal, a penalty will be assessed for any violation for which a notice of violation has been issued, regardless of whether the violation is minor and not timely corrected, or is non-minor. In the case of minor violations, the rule language as proposed makes it clear that the burden is on the violator to ameliorate the circumstances of the violation within the grace period, or be subject to the penalty.

35. COMMENT: The commenter supports the addition of language that incorporates grace period applicability and procedures to *N.J.A.C. 7:26-5.10*. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

N.J.A.C. 7:26H Violations

36. COMMENT: The Department's proposal that violations of *N.J.A.C. 7:26H-5.22* shall be designated as non-minor and therefore not subject to a grace period is supported. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

37. COMMENT: The commenter supports the addition of *N.J.A.C. 7:26H-5.23* to incorporate grace period applicability and procedures. (4)

RESPONSE: The Department acknowledges the comment in support of the amendments and new rules.

Federal Standards Statement

Executive Order No. 27 (1994) and *N.J.S.A. 52:14B-1* et seq. (P.L. 1995, c. 65) require State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a Federal Standards Analysis. The adopted amendments and new rules to the Solid Waste Utility Rules fall within the purview of *N.J.S.A. 13:1D-1*, et seq., *13:1E-1*, et seq., *13:1B-3*, *13:1D-125*, et seq., *48:13A-1*, et seq., and *48:13A-7.1*, et seq. There are no analogous Federal standards for regulation for solid waste utilities. Executive Order No. 27 (1994), therefore, does not require a comparison with Federal law.

The adopted amendments to the Solid Waste rules include amendments that set penalties for violations of the Federal Standards for Universal Waste Management, codified at 40 CFR Part 273. Under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C.A. § § 6901 et seq., the Environmental Protection Agency (EPA) has promulgated regulations governing the Federal hazardous waste management program. See 40 CFR Parts 260 through 279. The Universal Waste Rule, 40 CFR Part 273, contains requirements for collecting certain widely dispersed hazardous wastes. The Federal Standards for Universal Waste Management are incorporated prospectively by reference in the Department's rules at *N.J.A.C. 7:26A-1.6*. That is, all provisions of 40 CFR Part 273 are continually and automatically updated into the New Jersey rule by operation of *N.J.A.C. 7:26A-1.6*.

Pursuant to RCRA section 3008 (42 U.S.C. § 6928), the USEPA is authorized to issue orders assessing civil penalties for past or current RCRA violations and may either require compliance immediately or within a specified time period, or both, or may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction. These penalties may be assessed in an amount up to \$ 25,000 per day per violation.

Pursuant to RCRA section 3006 (42 U.S.C. § 6926), states may administer and enforce a hazardous waste program developed pursuant to RCRA, upon authorization of EPA. The enforcement provisions contained in *N.J.A.C. 7:26* were promulgated and are proposed for amendment in order to comply with RCRA, and to provide an enforcement mechanism for the implementation of the State Solid Waste Management Act.

Penalties established and assessed by the Department pursuant to the Solid Waste rules are in accordance with the Solid Waste Management Act, specifically *N.J.S.A. 13:1E-9*. Pursuant to State law, penalties may be assessed in an amount not more than \$ 50,000 for each violation. Furthermore, each day that the violation continues constitutes an additional, separate and distinct offense. See *N.J.S.A. 13:1E-9.e*. Consequently, where a violation has occurred, a violator may be liable for a penalty as set forth by State law and it is possible that such a penalty may potentially exceed that which would be assessed by USEPA.

The Department believes that the penalties are necessary and reasonable in order to implement RCRA and to implement its hazardous waste management program generally. Amending the current penalty structure will continue to encourage compliance and discourage noncompliance with the state's hazardous waste law and rules and the Federal RCRA requirements.

The Department has conducted an analysis of the new penalties and grace period provisions in the adopted rules and has determined that they do not exceed any standard or requirement imposed by Federal law. The penalties and grace period provisions in the adopted rules are consistent with Federal law. Accordingly, no Federal Standard Analysis is required with regard to the amendment of the rules to include penalties for new universal waste standards or to include new penalties or grace period.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

CHAPTER 26

SOLID WASTE

7:26-1.4 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

...

"Grace period" means the period of time afforded under *N.J.S.A. 13:1D-125* et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation.

...

7:26-5.4 Civil administrative penalties for violation of rules adopted pursuant to the Act

(a)-(f) (No change.)

(g) The Rule Summary in this subsection, which summarizes certain provisions in *N.J.A.C. 7:26* and *7:26A*, is provided for informational purposes only. In the event that there is a conflict between the rule summary in this subsection and a provision in *N.J.A.C. 7:26* and *7:26A* then the provision in *N.J.A.C. 7:26* and *7:26A* shall prevail.

1. The violations of *N.J.A.C. 7:26-1*, General Provisions, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-1.7(b)	Failure of owner or operator of any facility exempted under N.J.A.C. 7:26-1.7 to comply with all conditions set forth in its certificate of authority to operate.	\$ 3,000	M	30

2. The violations of *N.J.A.C. 7:26-2*, Disposal, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2.7(b)1	Failure of permittee to apply for a permit renewal at least 90 days prior to the expiration date of the existing SWF permit.	\$3,000	M	30
7:26-2.8(b)	Failure of permittee to submit a statement updating the information contained in the initial registration statement.	\$3,000	M	30
7:26-2.8(c)	Failure of permittee to notify the Department within 30 days of any change of information in the registration statement.	\$3,000	M	30
7:26-2.8(e)	Failure to apply and receive approval of a SWF permit prior to engaging in the disposal of solid waste in this State	\$5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2.8(f)	Failing to obtain a SWF permit prior to constructing or operating a solid waste facility.	\$5,000	NM	
7:26-2.8(j)	Failure to meet all conditions, restrictions, requirements or any other provision set forth in SWF permit.	\$3,000	M	30
7:26-2.8(k)	Failure to receive Department approval prior to modifying, revising or otherwise changing a permit condition.	\$3,000	M	30
7:26-2.8(l)	Failure to receive Department approval prior to transferring ownership of a SWF permit.	\$5,000	NM	
7:26-2.11(b)1	Failure of operator to clean areas where waste has been deposited or stored within each 24 hour period, for sanitary landfills all areas where waste has been deposited shall be covered.	\$3,000	M	1
7:26-2.11(b)10	Failing to ensure waste is not received in excess to the system's designed capacity.	\$4,500	NM	
7:26-2.11(b)11	Failure to operate the facility in a manner that employs the use of equipment and other techniques as identified in the facility's SWF permit.	\$3,000	M	30
7:26-2.11(b)12	Failure to maintain an approved O and M manual at the facility, changes to be submitted, at a minimum, on an annual basis	\$3,000	M	30
7:26-2.11(b)2	Failure to ensure any waste stored overnight at any facility is effectively treated to prevent odors associated with putrefaction.	\$3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2.11(b)3	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	\$3,000	M	30
7:26-2.11(b)4	Failure to implement dust control methods.	\$3,000	M	30
7:26-2.11(b)5	Failure to ensure no odors of sufficient strength and duration to be injurious to human health or unreasonably interfere with the enjoyment of life or property are detected off-site.	\$4,500	NM	
7:26-2.11(b)6	Failure to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime.	\$4,500	NM	
7:26-2.11(b)7	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	\$5,000	NM	
7:26-2.11(b)8	Failure to control insects, other arthropods and rodents.	\$4,500	NM	
7:26-2.11(b)9	Failure to comply at all times with the conditions of SWF permit.	\$3,000	M	30
7:26-2.11(c)1	Failure to admit only properly registered solid waste vehicles for loading or unloading of any solid waste.	\$4,500	NM	
7:26-2.11(c)2	Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3.	\$4,500	NM	
7:26-2.11(c)3	Failure to designate a secure area where unpermitted waste can be deposited.	\$4,500	NM	
7:26-2.11(c)4	Failure to maintain a record of the quantity of each waste type accepted for disposal.	\$5,000	NM	
7:26-2.11(c)5	Failure to provide a means of cleaning vehicle tires of debris.	\$3,000	M	30
7:26-2.12(b)	Failure of generators of asbestos containing waste materials to submit a complete written notification of intent to demolish, 10 days prior to beginning the demolition activity.	\$4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2.12(c)	Failure of generators of asbestos containing waste material to submit a complete written notification of intent to renovate, 10 days prior to beginning the renovation activity.	\$4,500	NM	
7:26-2.13(a)1-6	Failure to maintain a daily record of waste received.	\$3,000	M	30
7:26-2.13(a)7	Failure to maintain a daily record of asbestos waste and make appropriate submittals.	\$3,000	M	30
7:26-2.13(a)8	Failure to install or operate scales or keep records.	\$3,000	M	30
7:26-2.13(c)1	Failure of facility operator to verify the O and D form.	\$4,500	NM	
7:26-2.13(e)	Failure to timely submit complete monthly summaries of waste to the Department and the District Solid Waste Coordinator.	\$3,000	M	30
7:26-2.14(j)	Failure of SWFPPA permittee to prepare and submit a complete annual progress report.	\$3,000	M	30
7:26-2.14(k)	Failure of SWFPPA permittee to conduct a complete facility wide benchmark audit not less than once every five years.	\$3,000	M	90

3. The violations of N.J.A.C. 7:26-2A, Additional Specific Disposal Regulations for Sanitary Landfills, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-2A.8(b)1	Failure to confine working face to the smallest practical area.	\$ 4,500	NM	
7:26-2A.8(b)2	Failure to compact waste to yield smallest volume.	\$ 3,000	M	30
7:26-2A.8(b)3	Failure to compact waste in shallow layers; or compacting waste over leachate collection pipes per N.J.A.C. 7:26-2A.7(d)3xiv.	\$ 4,500	NM	
7:26-2A.8(b)4	Failure to ensure lift height of daily cell does not exceed 12 feet.	\$ 4,500	NM	
7:26-2A.8(b)5	Failure to ensure slope is no steeper than 3:1. Failure of balefill operations to com-	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	ply with working face requirements.			
7:26-2A.8(b)6	Failure to obtain department approval of separate areas for storage of demolition waste or recyclable materials.	\$ 3,000	M	30
7:26-2A.8(b)7	Failure to cover exposed surfaces of solid waste at close of each operating day with daily cover.	\$ 4,500	NM	
7:26-2A.8(b)8	Failure to progressively apply daily cover.	\$ 4,500	NM	
7:26-2A.8(b)9	Failure to apply intermediate cover (a minimum of 12 inches of earth) to surfaces exposed more than 24 hours.	\$ 4,500	NM	
7:26-2A.8(b)10	Failure to maintain grade, thickness and integrity of intermediate and final cover.	\$ 4,500	NM	
7:26-2A.8(b)11	Failure to grade areas with intermediate cover to facilitate drainage.	\$ 4,500	NM	
7:26-2A.8(b)12	Failure to use appropriate daily and intermediate cover materials; not maintaining sufficient quantity of cover at site; not maintaining standby supply of cover within boundaries.	\$ 4,500	NM	
7:26-2A.8(b)13	Failure to construct final cover in accordance with N.J.A.C. 7:26-2A.7(i) and to apply it to all surfaces.	\$ 4,500	NM	
7:26-2A.8(b)20	Failure to maintain sufficient types and quantities of equipment to adequately meet the requirements of N.J.A.C. 7:26-2A.8(b)7 through 10.	\$ 4,500	NM	
7:26-2A.8(b)21	Failure to maintain steel wheel type compactors of at least 45,000 pounds.	\$ 3,000	M	30
7:26-2A.8(b)22	Failure to equip landfill equipment with safety devices.	\$ 5,000	NM	
7:26-2A.8(b)23	Failure, in the case of breakdown of equipment, to repair or obtain replacement within 24 hours; or to include a maintenance contract in O & M plan.	\$ 4,500	NM	
7:26-2A.8(b)24	Failure to limit access for disposal to operating hours only.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2A.8(b)25	Failure to secure landfill with a six-foot high chain link fence.	\$ 4,500	NM	
7:26-2A.8(b)27	Failure to maintain all weather road to working face.	\$ 4,500	NM	
7:26-2A.8(b)28	Failure to control litter.	\$ 3,000	M	30
7:26-2A.8(b)29	Failure to control dust by spraying water or equivalent.	\$ 3,000	M	1
7:26-2A.8(b)30	Failure to eliminate emissions which result in odors detectable in areas of human use or occupancy beyond boundary line; or to control the odors by use of daily cover; or to immediately cover odorous waste with minimum six inches of cover.	\$ 4,500	NM	
7:26-2A.8(b)31	Failure to control the off-site tracking of mud and soil.	\$ 3,000	M	30
7:26-2A.8(b)32	Failure to minimize the propagation and harborage of insects, rodents, and birds.	\$ 4,500	NM	
7:26-2A.8(b)33	Failure to protect all monitoring devices and environmental systems from damage.	\$ 5,000	NM	
7:26-2A.8(b)37	Failure to have supervisor on site in order to ensure proper operation, evaluate monitoring data and inspection reports, determine performance of landfill, implement all operational decisions and ensure compliance with N.J.S.A. 13:1E-1 et seq., this chapter and the SWF Permit.	\$ 5,000	NM	
7:26-2A.8(b)38	Failure to ensure that landfill personnel complete a program of on-the-job training.	\$ 3,000	M	30
7:26-2A.8(b)39	Failure to ensure that landfill personnel complete initial training program within six months after the date of their employment.	\$ 3,000	M	30
7:26-2A.8(b)40	Failure to ensure that landfill personnel take part in annual update of initial training program.	\$ 3,000	M	30
7:26-2A.8(b)41	Failure to keep records of training received by personnel until closure.	\$ 3,000	M	30
7:26-2A.8(c)	Failure to maintain environmental control	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	systems in functioning manner, or to inspect them.			
7:26-2A.8(d)-(e)	Failure to perform inspections required by N.J.A.C. 7:26-2A.8(c) on a weekly basis and after storm events, and comply with recordkeeping requirements.	\$ 4,500	NM	
7:26-2A.8(f)	Failure of operator to make repairs in accordance with N.J.A.C. 7:26-2A.8(b)28 and O & M manual, if deterioration or malfunction occurs.	\$ 4,500	NM	
7:26-2A.8(g)	Failure to maintain and inspect sanitary landfill according to requirements.	\$ 4,500	NM	
7:26-2A.8(h)	Failure to monitor in accordance with parameters and schedules.	\$ 5,000	NM	
7:26-2A.8(i)	Failure to submit an annual topographic survey prepared according to N.J.A.C. 7:26-2A.8(i)1 through 4 by May 1 of each year.	\$ 3,000	M	30
7:26-2A.8(j)1	Failure to obtain written approval of the Department prior to disruption/excavation.	\$ 4,500	NM	
7:26-2A.8(j)3	Failure to keep area of excavation consistent with amount of equipment, and to keep excavation to smallest practical area.	\$ 4,500	NM	
7:26-2A.8(j)4	Failure to control dust, odors, fires, rodents, insects, blowing litter.	\$ 4,500	NM	
7:26-2A.8(k)6	Failure to repair any disruption of finished grade or covered surface upon completion of firefighting activities.	\$ 4,500	NM	
7:26-2A.8(l)	Failure to comply with asbestos waste disposal requirements.	\$ 4,500	NM	

4. The violations of N.J.A.C. 7:26-2B, Additional Specific Disposal Regulations For Thermal Destruction Facilities, Transfer Stations, Materials Recovery Facilities, Co-Composting and Mixed Solid Waste Composting Facilities, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-2B.7(b)	Failure of solid waste composting and co-composting facility to comply with quar-	\$3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	terly report requirements.			
7:26-2B.7(d)	Failure of solid waste composting and co-composting facility to comply with training requirements; Access to facility prohibited when facility is closed.	\$ 4,500	NM	
7:26-2B.7(e)	Failure of solid waste composting and co-composting facility to monitor temperature of composting materials to ensure pathogen reduction criteria are met.	\$ 4,500	NM	
7:26-2B.7(f)	Failure of solid waste composting and co-composting facility to comply with incoming waste processing timeframes and requirements.	\$ 4,500	NM	
7:26-2B.7(g)	Failure of solid waste composting and co-composting facility to ensure incoming, unprocessed waste is not mixed with finished compost.	\$ 4,500	NM	
7:26-2B.7(h)	Failure of solid waste composting and co-composting facility to comply with 15 month finished compost storage requirement.	\$ 3,000	M	30
7:26-2B.7(i)	Failure of solid waste composting and co-composting facility to comply with recordkeeping requirements.	\$ 4,500	NM	
7:26-2B.7(j)-(n)	Failure of solid waste composting and co-composting facility to comply with monitoring and sampling requirements.	\$ 4,500	NM	
7:26-2B.7(o)	Failure of solid waste composting and co-composting facility to comply with labeling requirements.	\$ 4,500	NM	
7:26-2B.7(p)	Failure of solid waste composting and co-composting facility to comply with USEPA 40 CFR 503 general requirements.	\$ 4,500	NM	
7:26-2B.8(d)	Failure of the owner or operator to conduct inspections as indicated in the approved final O & M manual in order to identify and remedy any problems and comply with recordkeeping requirements.	\$ 4,500	NM	
7:26-2B.8(f)	Failure of the owner or operator to implement waste receiving area control pro-	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	cedures that provide for the inspection of the incoming waste stream for the purpose of removing nonprocessable or potentially explosive materials prior to the initiation of processing.			
7:26-2B.8(g)	Failure, should the facility experience equipment or system malfunction to the extent that the waste received cannot be handled or processed in the normal manner, of the operator to notify the Department of the existence of such a situation and circumstances contributing to the situation within the same working day of its occurrence.	\$ 4,500	NM	
7:26-2B.8(i)	Failure to store unprocessed incoming waste, facility process waste residues and effluents, and recovered materials in bunkers, pits, bins, or similar containment vessels and to keep at all times at levels that prevent spillage or overflow.	\$ 4,500	NM	
7:26-2B.8(j)	Failure to keep waste delivery tipping hall doors closed during non-processing or non-receiving hours.	\$ 4,500	NM	
7:26-2B.8(k)	Failure to schedule the delivery of waste to the facility and the removal of residues and recovered products from the site so as to eliminate traffic backups and allow for fluid vehicular movement on site.	\$ 4,500	NM	
7:26-2B.8(l)	Failure to ensure that samples and measurements taken for the purpose of monitoring facility process and treatment operations are representative of the process or operation and are performed with the conditions of the facility's SWF permit.	\$ 5,000	NM	
7:26-2B.8(m)-(r)	Failure of the operator to comply with waste determination, waste analysis and required recordkeeping.	\$ 5,000	NM	
7:26-2B.8(s)	Failure of the owner or operator to have a 24-hour surveillance system which continuously monitors and controls entry to the facility or an artificial or natural barrier which completely surrounds the facility.	\$ 5,000	NM	
7:26-2B.8(t)	Failure of a facility to maintain required personnel, supervisor, boiler operator,	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
	licensed engineer to assure the proper and orderly operation of all system components, along with the ability to handle all routine facility maintenance requirements.			
7:26-2B.8(u)	Failure to ensure that all personnel complete an initial program of classroom instruction and on-the-job training, training program directed by a person thoroughly familiar with the technology, ensure that facility personnel respond to any malfunction or emergency situation, complete the initial training program within six months, planned annual review of the initial training, records document the type and amount of training received, kept until closure, former employees records kept for at least one year.	\$ 3,000	M	30

5. The violations of *N.J.A.C. 7:26-2D*, Requirements On Rail Carriers That Transfer Containerized Or Noncontainerized Solid Waste To Or From Rail, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-2D.1(c)2i	Failure to ensure putrescible waste does not remain for more than 72 hours, non-putrescible waste does not remain for more than 10 days, and nonputrescible ID 72 waste in sealed containers waste does not remain for more than 180 days.	\$4,500	NM	
7:26-2D.1(c)2ii	Failure to contain solid waste received, stored or transferred at any facility in sealed containers that do not leak any liquids or solid materials and are not opened for any purpose at the facility, except that an ID 72 liquid solid waste container may be opened briefly for the purpose of sampling the liquid provided the container is immediately resealed.	\$ 4,500	NM	
7:26-2D.1(c)2iv	Failure to ensure that all solid waste containers staged or stored at the facility are secured at all times in a manner that prevents unauthorized access to the containers and their contents.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2D.1(c)2v	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	\$ 4,500	NM	
7:26-2D.1(c)2vi	Failure to ensure no queuing or staging of solid waste vehicles occurs on public roadway.	\$ 4,500	NM	
7:26-2D.1(c)2vii	Failure to ensure queuing and staging of solid waste vehicles is conducted to prevent traffic backups and related hazards on access roads servicing facility.	\$ 4,500	NM	
7:26-2D.1(c)2ix	Failure to admit only properly registered solid waste vehicles.	\$ 4,500	NM	
7:26-2D.1(c)2xii	Failure to designate emergency coordinator who is available at all times to handle emergency situations.	\$ 4,500	NM	
7:26-2D.1(c)2xiii	Failure to maintain a daily record of waste received and submit quarterly reports.	\$ 4,500	NM	
7:26-2D.1(d)2	Failure of facility to have tipping floors or ramps provide proper containment and channeling of wastewater to sanitary sewer connections or holding tanks and be constructed of sufficient strength to withstand heavy vehicle usage.	\$ 4,500	NM	
7:26-2D.1(d)4	Failure of operator to clean areas where waste has been deposited or stored within each 24-hour period.	\$ 3,000	M	1
7:26-2D.1(d)5	Failure to ensure any waste stored overnight at any facility is effectively treated to prevent odors associated with putrefaction.	\$ 4,500	NM	
7:26-2D.1(d)6	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	\$ 3,000	M	30
7:26-2D.1(d)7	Failure to implement dust control methods in order to prevent migration outside the enclosed building and off-site.	\$ 3,000	M	30
7:26-2D.1(d)9	Failure to maintain an adequate water supply and adequate fire-fighting equipment.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-2D.1(d)10	Failure to control insects, other arthropods and rodents.	\$ 4,500	NM	
7:26-2D.1(d)11	Failure to operate certified scales for the reporting requirements of N.J.A.C. 7:26-2.13 for waste transported by trucks.	\$ 3,000	M	30
7:26-2D.1(d)13	Failure to ensure no queuing or staging of solid waste vehicles occurs on public roadway.	\$ 4,500	NM	
7:26-2D.1(d)14	Failure to ensure queuing and staging of solid waste vehicles is conducted to prevent traffic backups and related hazards on access roads servicing facility.	\$ 4,500	NM	
7:26-2D.1(d)16	Failure to admit only properly registered solid waste vehicles.	\$ 4,500	NM	
7:26-2D.1(d)17	Failure to designate a secure area where solid waste may be unloaded from vehicles exempt from registration under N.J.A.C. 7:26-3.3.	\$ 4,500	NM	
7:26-2D.1(d)18	Failure to establish a separate secure area for the drop-off and/or transfer of asbestos and asbestos-containing waste material (ACWM) or to comply with additional requirements for the handling of asbestos and ACWM.	\$ 4,500	NM	
7:26-2D.1(d)21	Failure to ensure that nonputrescible solid waste does not remain at the rail facility for more than 10 days, except that ID72 liquid solid waste may be stored for up to 180 days in sealed containers. Putrescible solid waste shall not remain at any rail facility for greater than 72 hours.	\$ 4,500	NM	
7:26-2D.1(d)22	Failure to implement effective security procedures to control entry and exit at all times.	\$ 4,500	NM	
7:26-2D.1(d)25	Failure to designate emergency coordinator who is available at all times to handle emergency situations.	\$ 4,500	NM	

6. The violations of N.J.A.C. 7:26-3, Transportation, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Grace

Rule	Rule Summary	Base Penalty	Type of Violation	Period (days)
N.J.A.C. 7:26-3.2(a)	Failure to obtain an approved registration statement from the Department prior to or to engaging in the transportation of solid waste.	\$ 8,000	NM	
7:26-3.2(a)2	Failure to ensure that any device used for the transportation of solid waste is registered with the Department.	\$ 4,500	NM	
7:26-3.2(a)4	Failure of registrant to ensure registered vehicles, cabs, containers, etc. are not used, controlled or possessed by any other person.	\$ 5,000	NM	
7:26-3.2(c)	Failure to comply with any conditions or limitations which may be specified on the approved registration.	\$ 5,000	NM	
7:26-3.2(d)	Failure of a registrant to submit a transporter registration renewal updating information contained in the previous registration statement.	\$ 3,000	M	30
7:26-3.2(e)	Failure of registrant to notify the Department within 30 days of any change in the registration statement.	\$ 3,000	M	30
7:26-3.4(b)	Failure to deposit all collected solid waste at an approved facility.	\$ 5,000	NM	
7:26-3.4(c)	Failure to ensure solid waste does not remain or is stored in any solid waste vehicle in excess of 24 hours, unless an emergency.	\$ 3,000	M	30
7:26-3.4(d)	Failure to ensure design of solid waste vehicle is such that it will not cause spillage onto roadways.	\$ 3,000	M	30
7:26-3.4(e)	Failure to ensure solid waste vehicle is not loaded beyond its design capacities or in such a manner that will cause spillage onto roadways.	\$ 4,500	NM	
7:26-3.4(f)	Failure to keep all solid waste vehicles in good working condition and to provide a means of continuous service in the event an emergency arises.	\$ 3,000	M	1
7:26-3.4(g)	Failure to protect property of customer.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3.4(h)	Failure to properly mark each solid waste vehicle or to carry current DEP registration certificate.	\$ 3,000	M	30
7:26-3.4(i)	Failure to use tarpaulins as needed.	\$ 4,500	NM	
7:26-3.4(j)	Failure to access or exit a solid waste facility pursuant to the district management plan or SWF permit.	\$ 3,000	M	1
7:26-3.4(m)	Failure of transporter to haul solid waste in accordance with the Solid Waste Management Plan developed by the county or district of waste origin pursuant to N.J.A.C. 7:26-6.	\$ 4,500	NM	
7:26-3.5(a)1	Failure to design all solid waste vehicles used for the transportation of sewage sludge to preclude any spillage or leakage onto roadways.	\$ 4,500	NM	
7:26-3.5(a)2	Failure to ensure sewage sludge and other fecal material is not intermixed with other wastes of a chemical or industrial nature.	\$ 5,000	NM	
7:26-3.5(b)	Failure to design all solid waste vehicles used for the transportation of bulky waste to preclude any spillage.	\$ 4,500	NM	
7:26-3.5(c)	Failure to ensure radioactive material and lethal chemicals are not transported in or through this State without prior approval from authorities having jurisdiction, and from the Department.	\$ 5,000	NM	
7:26-3.5(d)1	Failure to design all solid waste vehicles used for the transportation of asbestos waste so as to preclude any spillage leakage or emissions therefrom.	\$ 4,500	NM	
7:26-3.5(d)2	Failure to package asbestos for transportation in accordance with 40 CFR 61.152 and N.J.A.C. 7:26-2.12.	\$ 5,000	NM	
7:26-3.5(d)3	Failure to transport asbestos in a manner that prevents the rupture of containers in loading, transporting and unloading operations.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3.5(d)4	Failure to transport collected asbestos and/or asbestos containing material directly from the point of generation to the solid waste landfill permitted to receive such wastes.	\$ 5,000	NM	
7:26-3.5(d)6	Failure to ensure no visible air emissions are generated during loading, transporting, or unloading operations.	\$ 5,000	NM	
7:26-3.5(h)2	Failure of transporter to complete and sign O and D form prior to transporting the solid waste.	\$ 3,000	M	1
7:26-3.6(g)1	Failure to ensure that nonputrescible solid waste does not remain at the intermodal facility for up to 10 days, except that ID72 liquid solid waste may be stored for up to 180 days in sealed containers. Putrescible solid waste shall not remain at any intermodal facility for greater than 72 hours.	\$ 4,500	NM	
7:26-3.6(g)2	Failure to contain solid waste received, stored or transferred at any facility in sealed containers, registered as solid waste containers with the Department in accordance with N.J.A.C. 7:26-3, that do not leak any liquids or solid materials and are not opened for any purpose at the facility, except that an ID 72 liquid solid waste container may be opened briefly for the purpose of sampling the liquid provided the container is immediately resealed.	\$ 4,500	NM	
7:26-3.6(g)3	Failure to ensure no odors of sufficient strength and duration to be injurious to human health or unreasonably interfere with the enjoyment of life or property are detected at the facility or off-site, in the vicinity of the facility.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3.6(g)4	Failure to ensure access to any intermodal container facility is restricted to facility operators, solid waste vehicle operators and authorized visitors only. Effective security procedures shall be implemented to control entry and exit at all times. All solid waste containers staged or stored at the facility shall be secured at all times in a manner that prevents unauthorized access to the containers and their contents.	\$ 4,500	NM	
7:26-3.6(g)7	Failure to ensure routine housekeeping and maintenance procedures are implemented at the facility to prevent the accumulation of dust, debris and to maintain general cleanliness throughout the facility and in the working environment.	\$ 3,000	M	30
7:26-3.6(g)9	Failure to designate an on-site emergency coordinator who will be available during all hours of operation for the purpose of handling emergency situations, such as, but not limited to, spills, discharges or releases of solid wastes at the facility.	\$ 4,500	NM	
7:26-3.6(g)10	Failure to ensure all containerized solid waste accepted at the intermodal container facility, unless exempted under N.J.A.C. 7:26-6.3, from New Jersey sources are disposed of in accordance with applicable District Solid Waste Management Plans. Any out-of-State solid waste accepted at an intermodal container facility shall be disposed of consistent with the provisions set forth in the approved District Solid Waste Management Plan for the district in which the facility is located, or, where applicable, at permitted out-of-State disposal facilities authorized by the receiving state.	\$ 4,500	NM	
7:26-3.6(g)11	Failure to develop and maintain at the site an operations and maintenance (O & M) manual that shall describe all operating conditions and procedures of the facility. The O & M manual shall be made available to all facility personnel. The O & M manual shall be prepared in accordance with N.J.A.C. 7:26-2.10(b)9.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3.6(h)1	Failure to maintain daily records on forms supplied by the Department, in accordance with N.J.A.C. 7:26-2.13. These reports shall note the name of the registered transporter, transporter's DEP registration number, vehicle plate number, waste type, waste quantity, solid waste container DEP registration number, source, destination facility name and State registration number and quantity, by vehicle, of all solid waste received, transferred and shipped at the facility. The records shall specify the source and date of every shipment of waste received and the destination and date of every shipment of waste out of the facility. Quantities of solid waste shall be listed in tons and cubic yards. Quantities of liquid solid wastes shall be listed in gallons.	\$ 4,500	NM	

7:26-3.6(h)2	Failure to compile the daily records into standard quarterly reports, which shall be submitted to the Department within 20 days of the end of each calendar quarter.	\$ 3,000	M	30
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7:26-3.7(a)	Failure to ensure waste materials to be collected and transported show no evidence of smoking, smoldering or burning.	\$ 5,000	NM	
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7. The violations of N.J.A.C. 7:26-3A, Regulated Medical Waste, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-3A.8(a)	Failure of a generator of RMW to register with the Department.	\$ 5,000	NM	
7:26-3A.8(a)1	Failure of a generator of RMW to register in the proper category.	\$ 3,000	M	30
7:26-3A.8(b)1	Failure of a commercial transporter of RMW to register with the Department.	\$ 5,000	NM	
7:26-3A.8(b)2	Failure of a non-commercial transporter of RMW to register with the Department.	\$ 4,500	NM	
7:26-3A.8(c)	Failure of commercial intermediate handlers and owner/operators of destination facilities to register with the Department.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.8(c)3	Failure of a non-commercial collection facility or an intermediate handler treating their own waste to register with the Department.	\$ 4,500	NM	
7:26-3A.8(d)1	Failure of commercial collection facility to register with the Department.	\$ 5,000	NM	
7:26-3A.8(d)5,6	Failure of a non-commercial collection facility to register with the Department.	\$ 4,500	NM	
7:26-3A.9	Failure of transporters', intermediate handlers' and destination facilities' supervisory personnel to attend an education and training session and disseminate information to employees.	\$ 3,000	M	30
7:26-3A.10(a)	Failure of generators of RMW to segregate for off-site transport prior to placement in containers.	\$ 4,500	NM	
7:26-3A.10(d)	Failure to handle a package of RMW mixed with other waste as RMW.	\$4,500	NM	
7:26-3A.11	Failure of a generator to ensure that RMW is properly packaged before transporting or offering for transport off site.	\$ 4,500	NM	
7:26-3A.12(a)	Failure to comply with RMW storage requirements.	\$ 4,500	NM	
7:26-3A.12(b)	Failure to comply with RMW storage periods.	\$ 3,000	M	30
7:26-3A.12(c)	Failure to secure sharps containers.	\$ 4,500	NM	
7:26-3A.13(a)	Failure to comply with container decontamination and reuse requirements.	\$ 4,500	NM	
7:26-3A.14(a)	Failure to comply with labeling requirements.	\$ 3,000	M	30
7:26-3A.15(a)	Failure to comply with marking requirements.	\$ 3,000	M	30
7:26-3A.16(a)	Failure to determine if waste is RMW.	\$ 4,500	NM	
7:26-3A.16(d)	Failure to use properly registered transporters.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.16(e)	Failure to dispose of RMW at an authorized facility.	\$ 5,000	NM	
7:26-3A.16(h)	Failure to comply with home self-care RMW requirements.	\$ 3,000	M	30
7:26-3A.16(i)	Failure to get approval from the department prior to using an alternative or innovative technology for the treatment or destruction of RMW.	\$ 5,000	NM	
7:26-3A.19	Failure of a generator to comply with tracking form requirements.	\$ 3,000	M	30
7:26-3A.21	Failure to comply with generator record-keeping requirements.	\$ 3,000	M	30
7:26-3A.22	Failure of generator to comply with exception reporting requirements.	\$ 3,000	M	30
7:26-3A.25	Failure of generator with on-site incinerator to comply with recordkeeping requirements.	\$ 3,000	M	30
7:26-3A.26	Failure of owner/operator of on-site incinerator to comply with reporting requirements.	\$ 3,000	M	30
7:26-3A.27(i)	Failure of a transporter/collection facility to dispose of RMW stored in the vehicle within 14 calendar days, or before it becomes putrescent.	\$ 4,500	NM	
7:26-3A.28	Failure of a transporter to comply with RMW acceptance requirements.	\$ 4,500	NM	
7:26-3A.30(a)1	Failure of vehicle to have fully enclosed, leak resistant cargo carrying body.	\$ 4,500	NM	
7:26-3A.30(a)2	Failure to ensure RMW does not become putrescent and is not subjected to mechanical stress or compaction during loading and unloading or during transit.	\$ 4,500	NM	
7:26-3A.30(a)3	Failure to maintain cargo carrying body in good sanitary condition.	\$ 4,500	NM	
7:26-3A.30(a)4	Failure to securely lock unattended cargo carrying body.	\$ 5,000	NM	
7:26-3A.30(b)	Failure to comply with vehicle identification requirements.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.30(c)	Failure to manage RMW/solid waste mixture as RMW.	\$ 5,000	NM	
7:26-3A.31(a)	Failure of transporter to accepting RMW from a generator to ensure it is accompanied by a tracking form signed by the generator in accordance with the provisions of N.J.A.C. 7:26-3A.19.	\$ 4,500	NM	
7:26-3A.31(b)	Failure of transporter to sign and date tracking form and provide copy to generator.	\$ 4,500	NM	
7:26-3A.31(c)	Failure of transporter to ensure tracking form accompanies RMW while in transit.	\$ 4,500	NM	
7:26-3A.31(d)	Failure of transporter to comply with tracking form requirements when delivering RMW to another transporter (including a transfer facility) or to an intermediate handling facility or destination facility.	\$ 3,000	M	1
7:26-3A.31(e)	Failure of transporter to comply with tracking form requirements when transporting RMW across an international border or when delivering RMW to a transporter or treatment, destruction, or destination facility located in a foreign country.	\$ 4,500	NM	
7:26-3A.32(a)	Failure to deliver entire quantity of RMW to intermediate hauler, destination facility or next transporter.	\$ 4,500	NM	
7:26-3A.32(b)	Failure to contact generator for directions and make changes accordingly, if RMW cannot be delivered as intended.	\$ 3,000	M	30
7:26-3A.33(a)	Failure to comply with requirements for consolidating waste to a new tracking form.	\$ 3,000	M	30
7:26-3A.34(a)	Failure of transporter to maintain signed copy of tracking form for three years.	\$ 3,000	M	30
7:26-3A.34(b)	Failure of transporter to comply with recordkeeping requirements when consolidating RMW.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.34(c)	Failure of transporter to maintain copy of RMW transporter report for three years.	\$ 3,000	M	30
7:26-3A.35	Failure of transporter to comply with reporting requirements.	\$ 3,000	M	30
7:26-3A.37(a)	Failure of transporter to have an approved RMW spill management plan.	\$ 4,500	NM	
7:26-3A.37(b)	Failure of transporter to have a RMW spill containment and cleanup kit at all sites and in all vehicles used for the storage, handling, collection, treatment and collection of RMW.	\$ 4,500	NM	
7:26-3A.38(b)6	Failure of RMW incinerator to ensure waste stored overnight is effectively treated.	\$ 4,500	NM	
7:26-3A.38(b)7	Failure to maintain facility property surrounding the disposal area free of litter, debris, unprocessed waste, processed residues and effluents.	\$ 4,500	NM	
7:26-3A.38(b)8	Failure to ensure no odors are detected off-site.	\$ 4,500	NM	
7:26-3A.38(b)9	Failure to maintain all facility systems in a manner that facilitates proper operation and minimizes system downtime.	\$ 4,500	NM	
7:26-3A.38(b)10	Failure to maintain adequate water supply and fire fighting equipment, failure to post emergency numbers (fire, police, ambulance, hospital).	\$ 5,000	NM	
7:26-3A.38(b)11	Failure to effectively control insects, arthropods, rodents.	\$ 4,500	NM	
7:26-3A.38(b)12	Failure to maintain orderly operation and sanitary conditions.	\$ 4,500	NM	
7:26-3A.38(b)14	Failure to maintain O & M Manual at the facility.	\$ 4,500	NM	
7:26-3A.38(b)17	Failure of facility to accept RMW only from properly registered transporters.	\$ 4,500	NM	
7:26-3A.39(i)1	Failure to ensure stored waste does not exceed 300,000 pounds or amount as specified in authorization.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.39(i)2	Failure to ensure collection facility receives no more than 150,000 pounds of waste per day, or as otherwise indicated in authorization.	\$ 4,500	NM	
7:26-3A.39(i)4	Failure to accept only RMW waste managed in accordance with N.J.A.C. 7:26-3A.	\$ 4,500	NM	
7:26-3A.39(i)5	Failure to ensure only registered vehicles transport to and from facility.	\$ 4,500	NM	
7:26-3A.39(i)6	Failure to ensure all waste at all times remains fully contained, and does not leak.	\$ 4,500	NM	
7:26-3A.39(i)9	Failure to ensure no odors are detected off-site. Odor causing waste to be disposed of immediately.	\$ 4,500	NM	
7:26-3A.39(i)10	Failure to implement and maintain effective security procedures.	\$ 4,500	NM	
7:26-3A.39(i)13	Failure to implement routine housekeeping and maintenance procedures.	\$ 3,000	M	30
7:26-3A.39(i)16	Failure to ensure truck queuing is minimized, on-site traffic controls implemented.	\$ 4,500	NM	
7:26-3A.39(i)17	Failure to ensure RMW is not staged, placed or stored beyond confines of facility or vehicle.	\$ 4,500	NM	
7:26-3A.39(j)2	Failure to maintain O & M Manual at the facility.	\$ 4,500	NM	
7:26-3A.39(j)3	Failure to comply with training program requirements.	\$ 3,000	M	30
7:26-3A.39(j)6	Failure to maintain fire protection systems in operable condition, fire procedures posted.	\$ 5,000	NM	
7:26-3A.39(j)8	Failure to maintain on site operating records, O & M manual.	\$ 4,500	NM	
7:26-3A.39(j)9	Failure to maintain safety appliances in proper operating order, comply with O & M inspection schedules, maintain inspection records.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.39(k)	Failure to comply with recordkeeping and reporting requirements.	\$ 3,000	M	30
7:26-3A.40(c)3	Failure of intermediate handlers and destination facilities to ensure only approved treatment and destruction processes authorized by NJDEP and DOH are utilized.	\$ 4,500	NM	
7:26-3A.41(a)	Failure of destination facility receiving RMW to sign and date tracking form, note discrepancies, provide copies to generator and transporter, and retain copy.	\$ 4,500	NM	
7:26-3A.41(b)	Failure of intermediate handler receiving RMW to sign and date tracking form, note discrepancies, entering required information on new tracking form, keeping log, provide copies to generator and transporter, and retain copy.	\$ 4,500	NM	
7:26-3A.41(c)	Failure of destination facility or intermediate handler receiving RMW from a rail transporter to comply with shipping form requirements.	\$ 4,500	NM	
7:26-3A.41(d)	Failure of destination facility or intermediate handler to maintain shipping or tracking form for three years.	\$ 3,000	M	30
7:26-3A.41(f)	Failure of transporter to provide signed copies of the tracking form to the generator when the destination facility or intermediate facility is an out-of-State facility and will not comply with the tracking form requirements of N.J.A.C. 7:26-3A.41.	\$ 4,500	NM	
7:26-3A.42	Failure to comply with tracking form discrepancy requirements.	\$ 3,000	M	30
7:26-3A.43	Failure to comply with recordkeeping requirements.	\$ 3,000	M	30
7:26-3A.44	Failure of collection facilities, intermediate handlers and/or destination facilities to comply with additional reporting requirements.	\$ 4,500	NM	
7:26-3A.46	Failure of rail transporter to comply with tracking form requirements.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26-3A.47(a)	Failure to ensure alternative of innovative technology processes and any modifications are approved by the NJDEP and DOH prior to any marketing, sale or use in New Jersey.	\$ 5,000	NM	
7:26-3A.48(a,b)	Failure of an out-of-State organization using the U.S. Postal Service or other parcel service and disposing of regulated medical waste from New Jersey to comply with certification requirements.	\$ 4,500	NM	
7:26-3A.48(c)	Failure of a RMW generator to ensure that RMW waste is not sent to any out-of-State facility that does not have a certificate on file with the Department.	\$ 5,000	NM	

8. The violations of *N.J.A.C. 7:26-6*, Solid Waste Planning Regulations, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26-6.12(b)	Failure to comply with the applicable district solid waste management plan.	\$ 4,500	NM	

9. The violations of *N.J.A.C. 7:26A-3*, Approval of Recycling Centers for Class B, Class C and Class D Recyclable Materials, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26A-3.1(a)	Failure of approved recycling center to comply with all approval conditions.	\$ 3,000	M	30
7:26A-3.5(f)	Failure of recycling center to post a legible sign at the recycling center entrance indicating its approval and listing items detailed in N.J.A.C. 7:26A-3.2(a)13i and ii.	\$ 3,000	M	30
7:26A-3.6	Failure to submit renewal application for a general approval to the Department at least three months prior to the current approval expiration and to comply with all submittal requirements.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-3.7(j)	Failure, within 45 days after expiration of the time period authorized by the limited approval to operate a recycling facility, to file a final report with the Department.	\$ 3,000	M	30
7:26A-3.7(k)	Failure of persons operating a limited approved recycling center to ensure that no illegal dumping occurs.	\$ 4,500	NM	
7:26A-3.8(a)	Failure to limit processing methods for tires to slicing, shredding, chipping, crumbing or other methods approved by the Department, prohibition to incinerating, landfilling, abandoning or otherwise illegally disposing of tires.	\$ 4,500	NM	
7:26A-3.8(b)	Failure by the owner or operator of a tire recycling center to ensure that no mosquito colony formation develops.	\$ 4,500	NM	
7:26A-3.8(c)	Failure of a tire, tree stump, tree part or wood waste recycling center to have an approved fire control plan.	\$ 5,000	NM	
7:26A-3.9(a)	Failure of recycling center to ensure the temporary storage of Class B and Class D recyclable material does not exceed the amount indicated in the general or limited approval to operate.	\$ 4,500	NM	
7:26A-3.9(b)	Failure of recycling center to ensure that unprocessed Class B and Class D recyclable material is not stored in excess of one year from the date of receipt.	\$ 4,500	NM	
7:26A-3.10	Failure of recycling center to comply with modification requirements.	\$ 3,000	M	30
7:26A-3.15(a)	Failure to ensure a general or limited approval to operate a recycling center is not transferred without prior approval of the Department.	\$ 5,000	NM	
7:26A-3.15(c)	Failure to provide one copy of written request to transfer approval to the recycling coordinator and one copy to the applicable municipal planning board.	\$ 3,000	M	30
7:26A-3.17(a)	Failure of recycling center to comply with recordkeeping and annual reporting requirements.	\$ 3,000	M	30

10. The violations of N.J.A.C. 7:26A-4, Design and Operational Standards and General Rules for Recycling Centers which Receive, Store, Process or Transfer Class A, Class B, Class C and Class D Recyclable Materials. Right of Entry and Inspection, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-4.1(a)1i	Failure of recycling center to ensure that recyclable material is separated at the point of generation from other waste material.	\$3,000	M	30
7:26A-4.1(a)1ii	Failure of recycling center to ensure only Class A, Class B or Class C materials are received, stored, processed or transferred at the center.	\$4,500	NM	
7:26A-4.1(a)1iii	Failure of recycling center to comply with commingling requirements.	\$3,000	M	30
7:26A-4.1(a)2	Failure of recycling center to ensure residue is not stored on-site in excess of six months.	\$4,500	NM	
7:26A-4.1(a)4	Failure of recycling center to store residue separately from recyclable material and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.	\$4,500	NM	
7:26A-4.1(a)5	Failure of recycling center to ensure hazardous wastes are not stored, processed or transferred at any recycling center.	\$5,000	NM	
7:26A-4.1(a)6	Failure of recycling center to ensure electronic components which contain polychlorinated biphenyls (PCBs) and which are attached to or detached from appliances or other scrap metal, are not shredded, sheared or baled.	\$5,000	NM	
7:26A-4.1(a)8	Failure to operate a recycling center in such a manner that the recycling center property is maintained free of litter and debris and such that tracking of mud into nearby streets is prevented.	\$3,000	M	30
7:26A-4.1(a)10	Failure of recycling center operator to ensure that traffic associated with the operation of the center does not result in a degradation of a level of service of any major intersection or public roadway within a half-mile radius.	\$4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-4.1(a)11	Failure of recycling center operator to ensure recycling center operations are separated from sensitive land uses by an effective visual screen buffer.	\$3,000	M	30
7:26A-4.1(a)12	Failure of recycling center operator to ensure unauthorized access to center is controlled.	\$4,500	NM	
7:26A-4.1(a)13	Failure of recycling center operator to ensure areas of vehicular usage are suitably compacted and, where necessary, paved.	\$3,000	M	30
7:26A-4.1(a)14	Failure of recycling center operator to have adequate water supply, firefighting equipment, and local fire department phone numbers posted.	\$5,000	NM	
7:26A-4.4(a)	Failure by the owner or operator of a recycling center to provide a recycling tonnage report by February 1 of each year.	\$3,000	M	30
7:26A-4.4(b)	Failure by a transporter of recyclable materials to provide a recycling tonnage report by February 1 of each year.	\$3,000	M	30
7:26A-4.4(c)	Failure of exempt person to submit required tonnage reports by February 1 of each year.	\$3,000	M	30
7:26A-4.5(a)2	Failure of Class C yard trimming operator to ensure center has sufficient capacity to handle incoming volumes.	\$3,000	M	30
7:26A-4.5(a)3	Failure of Class C yard trimming operator to have properly trained individual supervising operation, access to facility prohibited when center is closed.	\$3,000	M	30
7:26A-4.5(a)4	Failure of Class C yard trimming operator to ensure yard trimmings are only received during times when operator is present.	\$3,000	M	30
7:26A-4.5(a)5	Failure of Class C yard trimming operator to ensure all trimmings received are removed from bags, boxes.	\$3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-4.5(a)6	Failure of Class C yard trimming operator to accept incoming materials containing grass, only in areas of the site that are at least 1,000 feet from any areas of human occupancy and to begin processing such material within the working day.	\$4,500	NM	
7:26A-4.5(a)7i	Failure of Class C compost operators to attend, within one year of start up, approved composting courses.	\$3,000	M	90
7:26A-4.5(a)7ii	Failure of Class C compost operator to maintain improved active composting surface to prevent ponding or runoff.	\$4,500	NM	
7:26A-4.5(a)7iii	Failure of Class C yard trimming operator to moisten, without excess runoff, dry yard trimmings prior to windrow formation.	\$3,000	M	30
7:26A-4.5(a)7iv	Failure of Class C yard trimming operator to position windrows perpendicular to ground surface contours to prevent ponding.	\$4,500	NM	
7:26A-4.5(a)7v	Failure of Class C yard trimming operator to install windsock.	\$3,000	M	30
7:26A-4.5(a)7vi	Failure of Class C yard trimming operator to comply with windrow composting requirements.	\$4,500	NM	
7:26A-4.5(a)7vii	Failure of Class C yard trimming operator to comply with material staging and processing buffer distance requirements.	\$3,000	M	30
7:26A-4.5(a)7viii	Failure of Class C yard trimming operator to comply with finished compost testing requirements.	\$3,000	M	30
7:26A-4.5(a)7xii	Failure of Class C yard trimming operator to comply with additional recordkeeping requirements.	\$3,000	M	30
7:26A-4.5(b)1	Failure of Class C material operator to ensure center has sufficient capacity to handle incoming volumes.	\$4,500	NM	
7:26A-4.5(b)2	Failure of Class C material operator to comply with composting structure requirements, no ponding, leachate control.	\$4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-4.5(b)3	Failure of Class C material operator to maintain fully enclosed operation.	\$4,500	NM	
7:26A-4.5(b)5	Failure of Class C material operator to comply with O & M manual requirements.	\$4,500	NM	
7:26A-4.5(b)7	Failure of Class C material operator to comply with employee training requirements.	\$3,000	M	30
7:26A-4.5(b)8	Failure of Class C material operator to develop a recycling center-specific training manual and make available to each employee.	\$3,000	M	30
7:26A-4.5(b)9	Failure of Class C material operator to have properly trained individual supervising operation.	\$4,500	NM	
7:26A-4.5(b)11	Failure of Class C material operator to comply with incoming organics processing timeframes and requirements.	\$4,500	NM	
7:26A-4.5(b)12	Failure of Class C material operator to ensure incoming, unprocessed material is not mixed with finished compost.	\$4,500	NM	
7:26A-4.5(b)13,14	Failure of Class C material operator to meet Process to Further Reduce Pathogens criteria and requirements.	\$4,500	NM	
7:26A-4.5(b)16	Failure of Class C material operator to comply with 15 month finished compost storage requirement.	\$3,000	M	30
7:26A-4.5(b)20	Failure of Class C material operator to conduct required QA/QC sampling and record results of such sampling.	\$4,500	NM	
7:26A-4.5(b)21	Failure of Class C material operator to have analysis of finished compost product conducted by laboratory certified in accordance with N.J.A.C. 7:18.	\$4,500	NM	
7:26A-4.5(b)22	Failure of Class C material operator to maintain required records.	\$3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-4.5(b)23	Failure of Class C material operator to submit quarterly report to the Department within 30 days after the end of each quarter.	\$3,000	M	30
7:26A-4.5(c)1	Failure of Class C operator to comply with labeling requirements.	\$3,000	M	30
7:26A-4.5(c)2	Failure of Class C operator to comply with compost utilization requirements.	\$4,500	NM	

11. The violations of N.J.A.C. 7:26A-5, Requirements for Processing Discarded Appliances that Contain Refrigerant Fluid, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26A-5.1(a)	Failure to ensure no shearing, shredding, baling or other actions which could cause release of refrigerant fluid to take place, occurs prior to recovery of such fluid.	\$ 5,000	NM	
7:26A-5.1(b)	Failure to recover refrigerant fluid in a manner such that no venting of refrigerant fluid occurs.	\$ 5,000	NM	
7:26A-5.1(c)	Failure to deliver recovered refrigerant fluid to a facility which has agreed to reprocess the fluid or, if such arrangements cannot be made, failure to store or dispose of the recovered fluid in accordance with applicable rules and regulations.	\$ 5,000	NM	

12. The violations of N.J.A.C. 7:26A-6, Standards for the Management of Used Oil, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26A-6.1(a)2i(1)	Failure to manage used oil mixed with a listed hazardous waste as a hazardous waste in accordance with N.J.A.C. 7:26G.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.1(a)2ii(1)	Failure to manage used oil mixed with a characteristic hazardous waste or a listed hazardous waste that is listed solely because it exhibits one or more hazardous waste characteristics as a hazardous waste in accordance with N.J.A.C. 7:26G.	\$ 5,000	NM	
7:26A-6.1(a)4ii	Failure by used oil generator to comply with management requirements for diesel fuel mixed with used diesel crankcase oil.	\$ 3,000	M	30
7:26A-6.1(a)9	Failure by a marketer or burner to comply with requirements of 40 CFR 761.20(e) for used oil containing quantifiable levels of PCBs.	\$ 5,000	NM	
7:26A-6.2(a)	Failure to meet one or more of the specifications for a used oil fuel identified in Table 1 of N.J.A.C. 7:26A-6.2(a) prior to burning for energy recovery.	\$ 5,000	NM	
7:26A-6.2(b)	Failure to obtain a Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus prior to burning on-specification used oil fuel.	\$ 3,000	M	30
7:26A-6.3(a)	Failure to comply with requirements for managing used oil in a surface impoundment or waste pile.	\$ 5,000	NM	
7:26A-6.3(b)	Failure to comply with prohibition against using used oil as a dust suppressant.	\$ 5,000	NM	
7:26A-6.3(c)	Burning off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator, or failing to obtain a 'Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus' prior to burning off-specification used oil in one of these devices.	\$ 5,000	NM	
7:26A-6.3(d)	Failure to comply with the prohibition against burning on-specification used oil fuel in either a residential or Category I institutional device, furnace or boiler.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.3(e)	Failure to comply with the prohibition against burning on-specification used oil in an oil-fired space heater that fails to meet the requirements of N.J.A.C. 7:26A-6.4(e).	\$ 4,500	NM	
7:26A-6.3(f)	Failure to comply with the prohibition against burning off-specification used oil in a space heater.	\$ 4,500	NM	
7:26A-6.4(d)1	Failure of used oil generator storing used oil to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	\$ 4,500	NM	
7:26A-6.4(d)2	Failure of used oil generator to ensure used oil is stored only in tanks, containers, or units subject to regulation at 7:26G-8 or 9.	\$ 3,000	M	30
7:26A-6.4(d)3	Failure of used oil generator to ensure containers or aboveground tanks used to store used oil storage units are in good condition and not leaking.	\$ 4,500	NM	
7:26A-6.4(d)4	Failure of used oil generator to comply with used oil labeling/marketing requirements.	\$ 3,000	M	30
7:26A-6.4(d)5	Failure of used oil generator to comply with or initiate response to releases.	\$ 4,500	NM	
7:26A-6.4(e)1	Failure of used oil generator to burn only self-generated or household do-it-yourselfer used oil in a space heater.	\$ 4,500	NM	
7:26A-6.4(e)2	Used oil generator burned used oil in a oil space heater that exceeded the maximum capacity of 0.5 million BTU per hour.	\$ 3,000	M	30
7:26A-6.4(e)3	Failure of used oil generator to vent combustion gases from a space heater to ambient air.	\$ 4,500	NM	
7:26A-6.4(e)4	Failure of used oil generator, burning used oil in a space heater, to obtain a "Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus."	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.4(f)	Failure of used oil generator to comply with used oil off-site shipment requirements.	\$ 4,500	NM	
7:26A-6.4(g)	Failure to comply with do-it-yourselfer and motor oils retailer requirements.	\$ 3,000	M	30
7:26A-6.5(a)	Failure of an owner or operator of a State of New Jersey permitted reinspection center, or a retail service station that has used oil collection tanks on the premises, to accept do-it-yourselfer used oil in accordance with N.J.A.C. 7:26A-6.5(a).	\$ 3,000	M	30
7:26A-6.5(b)2	Failure of do-it-yourselfer used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.	\$ 3,000	M	30
7:26A-6.5(c)2i	Failure of used oil collection center to comply with the generator standards at N.J.A.C. 7:26A-6.4.	\$ 3,000	M	30
7:26A-6.5(c)2ii	Failure of used oil collection center to register or be recognized by county or municipality as a used oil collection center.	\$ 3,000	M	30
7:26A-6.5(c)2iii	Failure of used oil collection center to comply with sign posting requirements.	\$ 3,000	M	30
7:26A-6.5(d)2	Failure of used oil aggregation point to comply with generator standards at N.J.A.C. 7:26A-6.4.	\$ 3,000	M	30
7:26A-6.6(a)4	Failure of used oil transporter to comply with the Federal Motor Carrier Safety and Federal Hazardous Materials Transportation regulations, or to comply with the provisions of this subchapter as indicated in (a)4i through v when performing the listed activities.	\$ 4,500	NM	
7:26A-6.6(b)	Used oil transporter conducted non-incident processing of used oil.	\$ 5,000	NM	
7:26A-6.6(c)	Failure of used oil transporter and/or transfer facility to comply with the notification and/or EPA identification requirements.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.6(d)1	Failure of used oil transporter to comply with delivery requirements.	\$ 4,500	NM	
7:26A-6.6(d)2	Failure of used oil transporter to comply with 49 CFR 171 through 180 requirements.	\$ 4,500	NM	
7:26A-6.6(d)3	Failure of used oil transporter to comply with used oil transportation discharge requirements.	\$ 4,500	NM	
7:26A-6.6(e)1	Failure of used oil transporter to determine if total halogen content is equal to, less than or greater than 1000 ppm for used oil being transported or stored.	\$ 4,500	NM	
7:26A-6.6(e)5	Failure of used oil transporter to retain records of analyses or other information, used to ensure used oil is not a hazardous waste, for three years.	\$ 4,500	NM	
7:26A-6.6(f)1	Failure of used oil transporter and/or transfer facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	\$ 4,500	NM	
7:26A-6.6(f)3	Failure of used oil transfer facility to ensure used oil is stored only in tanks, containers, or units subject to regulation at 7:26G-8 or 9.	\$ 3,000	M	30
7:26A-6.6(f)4	Failure of used oil transfer facility to ensure used oil containers or aboveground tanks are in good condition and not leaking.	\$ 4,500	NM	
7:26A-6.6(f)5	Failure of used oil transfer facility to comply with secondary containment requirements for containers.	\$ 4,500	NM	
7:26A-6.6(f)6	Failure of used oil transfer facility to comply with secondary containment requirements for existing aboveground tanks.	\$ 4,500	NM	
7:26A-6.6(f)7	Failure of used oil transfer facility to comply with secondary containment requirements for new aboveground tanks.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.6(f)8	Failure of used oil transfer facility to comply with used oil labeling requirements.	\$ 3,000	M	30
7:26A-6.6(f)9	Failure by used oil transfer facility to comply with used oil facility discharge requirements.	\$ 4,500	NM	
7:26A-6.6(g)	Failure of used oil transporter to comply with tracking requirements.	\$ 4,500	NM	
7:26A-6.7(b)	Failure of used oil processor or re-refining facility to comply with notification and/or EPA identification requirements.	\$ 5,000	NM	
7:26A-6.7(c)1i	Failure of used oil processor or re-refining facility to maintain or operate facility to minimize possibilities of fire, explosion or any unplanned sudden or non-sudden releases of used oil.	\$ 5,000	NM	
7:26A-6.7(c)1ii	Failure of used oil processor or re-refining facility to equip facility with emergency equipment.	\$ 4,500	NM	
7:26A-6.7(c)1iii	Failure of used oil processor or re-refining facility to test and maintain emergency equipment.	\$ 3,000	M	30
7:26A-6.7(c)1iv	Failure of used oil processor or re-refining facility to maintain access to communications or alarm system.	\$ 3,000	M	30
7:26A-6.7(c)1v	Failure of used oil processor or re-refining facility to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	\$ 3,000	M	30
7:26A-6.7(c)1vi	Failure of used oil processor or re-refining facility to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements.	\$ 3,000	M	30
7:26A-6.7(c)2i(1)	Failure of used oil processor or re-refining facility to have a contingency plan designed to minimize hazards to human health and the environment.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.7(c)2i(2)	Failure of used oil processor or re-refining facility to carry out provisions of the contingency plan immediately if there is a fire, explosion or release of used oil.	\$ 5,000	NM	
7:26A-6.7(c)2ii(1)	Failure of used oil processor or re-refining facility contingency plan to describe actions to be taken in response to fires, explosions, or any unplanned sudden or non-sudden release.	\$ 3,000	M	30
7:26A-6.7(c)2ii(2)	Failure of used oil processor or re-refining facility to amend its SPCC (40 CFR 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7.1E) plan, to incorporate used oil management provisions.	\$ 3,000	M	30
7:26A-6.7(c)2ii(3)	Failure of used oil processor or re-refining facility contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	\$ 3,000	M	30
7:26A-6.7(c)2ii(4)	Failure of used oil processor or re-refining facility contingency plan to list names, addresses or phone numbers of persons qualified to act as emergency coordinator.	\$ 3,000	M	30
7:26A-6.7(c)2ii(5)	Failure of used oil processor or re-refining facility contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.	\$ 3,000	M	30
7:26A-6.7(c)2ii(6)	Failure of used oil processor or re-refining facility contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	\$ 3,000	M	30
7:26A-6.7(c)2iii	Failure of used oil processor or re-refining facility contingency plan to be maintained at facility with a copy sent to local police or fire departments, hospitals or State or local emergency response teams.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.7(c)2iv	Failure of used oil processor or re-refining facility to review or amend contingency plan as necessary.	\$ 3,000	M	30
7:26A-6.7(c)2v	Failure of used oil processor or re-refining facility to make emergency coordinator thoroughly familiar with plan or available at all times.	\$ 4,500	NM	
7:26A-6.7(c)2vi(1)	Failure of used oil processor or re-refining facility emergency coordinator to activate alarms or communications systems, or to notify appropriate State or local agencies.	\$ 4,500	NM	
7:26A-6.7(c)2vi(9)	Failure of used oil processor or re-refining facility to submit incident report to Department within 15 days after an incident.	\$ 3,000	M	30
7:26A-6.7(d)1	Failure of used oil processor or re-refining facility to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.	\$ 4,500	NM	
7:26A-6.7(d)4	Failure of used oil processor or re-refining facility to ship used oil that fails the rebuttable presumption, for mixing as a hazardous waste, using a New Jersey licensed hazardous waste transporter.	\$ 4,500	NM	
7:26A-6.7(e)1	Failure of used oil processor or re-refining facility, storing used oil, to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	\$ 4,500	NM	
7:26A-6.7(e)2	Failure of used oil processor or re-refining facility to ensure used oil is stored only in tanks, containers, or units subject to regulation at 7:26G-8 or 9.	\$ 3,000	M	30
7:26A-6.7(e)3	Failure of used oil processor or re-refining facility to ensure containers or aboveground tanks, used to store or process used oil, are in good condition and not leaking.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.7(e)4	Failure of used oil processor or re-refining facility to comply with secondary containment requirements for containers used to store or process used oil.	\$ 4,500	NM	
7:26A-6.7(e)5	Failure of used oil processor or re-refining facility to comply with the secondary containment requirements for existing aboveground tanks used to store or process used oil.	\$ 4,500	NM	
7:26A-6.7(e)6	Failure of used oil processor or re-refining facility to comply with the secondary containment requirements for new aboveground tanks used to store or process used oil.	\$ 4,500	NM	
7:26A-6.7(e)7	Failure of used oil processor or re-refining facility to comply with used oil labeling requirements.	\$ 3,000	M	30
7:26A-6.7(e)8	Failure of used oil processor or re-refining facility to comply with or initiate response to releases.	\$ 4,500	NM	
7:26A-6.7(e)9i(1)	Failure of used oil processor or re-refining facility at closure, who stored or processed used oil tanks, to remove or decontaminate all used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.	\$ 10,000	NM	
7:26A-6.7(e)9i(2)	Failure of used oil processor or re-refining facility that cannot remove all contamination from tank systems at closure to follow closure requirements for landfills.	\$ 10,000	NM	
7:26A-6.7(e)9ii(1)	Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove from the site all containers holding used oil or residues of used oil.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.7(e)9ii(2)	Failure of used oil processor or re-refining facility at closure, who stored used oil in containers, to remove or decontaminate all used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them appropriately.	\$ 10,000	NM	
7:26A-6.7(f)	Failure of used oil processor or re-refining facility to develop or follow a written waste analysis plan in accordance with requirements at N.J.A.C. 7:26A-6.7(f).	\$ 5,000	NM	
7:26A-6.7(g)	Failure of used oil processor or re-refining facility to comply with used oil tracking standards and records.	\$ 4,500	NM	
7:26A-6.7(h)	Failure of used oil processor or re-refining facility to comply with operating record and reporting standards.	\$ 4,500	NM	
7:26A-6.7(i)	Failure by used oil processor or re-refining facility to ensure used oil transporter has an EPA identification number.	\$ 3,000	M	30
7:26A-6.7(j)	Failure by used oil processor or re-refining facility to manage process residues in accordance with N.J.A.C. 7:26A-6.1(a)5.	\$ 4,500	NM	
7:26A-6.8(b)1	Used oil burner burned off-specification used oil in a device other than an industrial furnace, industrial or utility boiler or hazardous waste incinerator or burned off-specification used oil in these devices without a 'Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus.'	\$ 5,000	NM	
7:26A-6.8(b)2i	Failure by used oil burner to comply with prohibition against aggregating off specification used oil with other fuels to produce an on-specification used oil fuel.	\$ 5,000	NM	
7:26A-6.8(c)	Failure of used oil burner to comply with notification and/or EPA identification requirements.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.8(d)1	Failure of used oil burner to determine if total halogen content is equal to, less than or greater than 1000 p.p.m. for used oil being transported or stored.	\$ 5,000	NM	
7:26A-6.8(d)4	Failure by used oil burner to retain records of analyses, or other information used to ensure used oil is not a hazardous waste, for 3 years.	\$ 4,500	NM	
7:26A-6.8(e)1	Failure of used oil burner storing used oil to comply with applicable Spill Prevention, Control and Countermeasures regulations, Clean Air Act regulations or Underground Storage Tank regulations.	\$ 3,000	M	30
7:26A-6.8(e)2	Failure of used oil burner to ensure used oil is stored only in tanks, containers, or units subject to regulation at 7:26G-8 or 9.	\$ 3,000	M	30
7:26A-6.8(e)3	Failure of used oil burner to ensure used oil containers or aboveground tanks are in good condition and not leaking.	\$ 4,500	NM	
7:26A-6.8(e)4	Failure of used oil burner, storing used oil in containers, to comply with the secondary containment requirements.	\$ 4,500	NM	
7:26A-6.8(e)5	Failure of used oil burner, storing used oil in existing aboveground tank(s), to comply with the secondary containment requirements.	\$ 4,500	NM	
7:26A-6.8(e)6	Failure of used oil burner, storing used oil in new aboveground tank(s), to comply with secondary containment requirements.	\$ 4,500	NM	
7:26A-6.8(e)7	Failure of used oil burner to comply with used oil-labeling requirements.	\$ 3,000	M	30
7:26A-6.8(e)8	Failure of used oil burner to comply with or initiate response to releases.	\$ 4,500	NM	
7:26A-6.8(f)	Failure of used oil burner to comply with operating record and recordkeeping standards.	\$4,500	NM	
7:26A-6.8(g)	Failure of a used oil burner to comply with first-time notice and recordkeeping standards.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.8(h)	Failure of used oil burner to manage residues from storage or burning in accordance with N.J.A.C. 7:26A-6.1(a)5.	\$ 4,500	NM	
7:26A-6.9(a)3	Failure of used oil fuel marketer to comply with the standards for used oil generators, transporters/transfer facilities, processors/re-refiners or burners.	\$ 4,500	NM	
7:26A-6.9(b)	Failure of a used oil fuel marketer to ship off-specification used oil only to an authorized burner facility.	\$ 5,000	NM	
7:26A-6.9(c)1	Failure of a used oil generator, transporter, processor/re-refiner or burner to determine if used oil meets the fuel specification at N.J.A.C. 7:26A-6.2 or failure to provide a copy of analyses or other information to facility receiving shipment of used oil.	\$ 5,000	NM	
7:26A-6.9(c)2	Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to retain copies of analyses or other information used to make determination for three years.	\$ 4,500	NM	
7:26A-6.9(d)1	Failure of used oil fuel marketer to comply with notification and/or EPA identification requirements.	\$ 4,500	NM	
7:26A-6.9(e)1	Failure of used oil fuel marketer to comply with invoicing requirements for off-specification used oil fuel.	\$ 4,500	NM	
7:26A-6.9(e)2	Failure of used oil fuel marketer to comply with tracking requirements for shipments of off-specification used oil fuel.	\$ 4,500	NM	
7:26A-6.9(e)3	Failure of first person claiming used oil fuel meets fuel specification at N.J.A.C. 7:26A-6.2 to comply with tracking requirements for shipments of on-specification used oil fuel.	\$ 4,500	NM	
7:26A-6.9(f)	Failure of used oil marketer to comply with notice standards.	\$ 4,500	NM	
7:26A-6.10(b)1	Failure to manage used oil that has been identified as a hazardous waste and cannot be recycled, as a hazardous waste.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26A-6.10(b)2	Failure to manage used oil that is not hazardous waste and cannot be recycled, as a solid waste.	\$ 4,500	NM	
7:26A-6.10(c)	Failure to comply with prohibition against using used oil as a dust suppressant.	\$ 5,000	NM	

13. The violations of 40 CFR 273, Standards for the management of Universal Waste, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
40 CFR 273.11	Failure of Small Quantity Handler of Universal Waste to comply with universal waste prohibitions.	\$ 4,500	NM	
§273.13(a)1	Failure of Small Quantity Handler of Universal Waste to place universal waste batteries which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the batteries, and non-leaking.	\$ 4,500	NM	
§273.13(a)2	Failure of Small Quantity Handler of Universal Waste conducting activities not to manage as hazardous waste casings of individual battery cells that have been breached.	\$ 4,500	NM	
§273.13(a)3	Failure of Small Quantity Handler of Universal Waste to determine if removed electrolyte or other solid waste is hazardous and to manage it in compliance with all appropriate regulations.	\$ 5,000	NM	
§273.13(b)1	Failure of Small Quantity Handler of Universal Waste to place universal waste pesticides in a container that is closed, structurally sound, compatible with the pesticide, and non-leaking.	\$ 4,500	NM	
§273.13(b)2	Failure of Small Quantity Handler of Universal Waste to overpack containers of universal waste pesticides which did not meet 40 CFR 273.13(b)1.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.13(b)3	Failure of Small Quantity Handler of Universal Waste to contain universal waste pesticides in a tank which meets the requirements of 40 CFR 265 Subpart J.	\$ 3,000	M	30
§273.13(b)4	Failure of Small Quantity Handler of Universal Waste to place universal waste pesticides in a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and non-leaking.	\$ 4,500	NM	
§273.13(c)1	Failure of Small Quantity Handler of Universal Waste to place universal waste thermostats which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the thermostat, and non-leaking.	\$ 4,500	NM	
§273.13(c)2i	Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.	\$ 4,500	NM	
§273.13(c)2ii	Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	\$ 4,500	NM	
§273.13(c)2iii	Failure of Small Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
§273.13(c)2iv	Failure of Small Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
§273.13(c)2v	Failure of Small Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.13(c)2vi	Failure of Small Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	\$ 4,500	NM	
§273.13(c)2vii	Failure of Small Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	\$ 4,500	NM	
§273.13(c)2viii	Failure of Small Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.	\$ 4,500	NM	
§273.13(c)3	Failure of Small Quantity Handler of Universal Waste, who removes mercury-containing ampules from thermostats, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	\$ 5,000	NM	
§273.13(d)1	Failure of Small Quantity Handler of Universal Waste to place universal waste lamps which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the lamp, and non-leaking.	\$ 4,500	NM	
§273.13(d)2	Failure of Small Quantity Handler of Universal Waste to clean up and place any lamp that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents, into a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.	\$ 4,500	NM	
§273.14(a)	Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste batteries or containers of universal waste batteries.	\$ 3,000	M	30
§273.14(b)	Failure of Small Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of recalled universal waste pesticides.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.14(c)	Failure of Small Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of unused universal waste pesticides.	\$ 3,000	M	30
§ 273.14(d)	Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste thermostats or containers of universal waste thermostats.	\$ 3,000	M	30
§273.14(e)	Failure of Small Quantity Handler of Universal Waste to properly label or mark universal waste lamps or containers of universal waste lamps.	\$ 3,000	M	30
§273.15(a)-(b)	Small Quantity Handler of Universal Waste accumulated universal waste for greater than one year, without proving the accumulation was solely for the purpose of facilitating proper recovery, treatment or disposal.	\$ 5,000	NM	
§273.15(c)	Failure of Small Quantity Handler of Universal Waste to demonstrate the length of time that the universal waste was accumulated.	\$ 4,500	NM	
§273.16	Failure of Small Quantity Handler of Universal Waste to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.	\$ 4,500	NM	
§273.17(a)	Failure of Small Quantity Handler of Universal Waste to immediately contain any releases or residues of universal waste.	\$ 5,000	NM	
§273.17(b)	Failure of Small Quantity Handler of Universal Waste to determine if any material resulting from the release of universal waste is hazardous, and to properly manage the waste.	\$ 5,000	NM	
§273.18(a)	Small Quantity Handler of Universal Waste sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.	\$ 4,500	NM	
§273.18(b)	Failure of Small Quantity Handler of Universal Waste who self-transport to comply with the requirements at 40 CFR 273 Subpart D and N.J.A.C. 7:26A-7.4.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.18(c)	Failure of Small Quantity Handler of Universal Waste to properly package, label, mark, placard or complete the proper shipping papers for shipments of universal waste which are hazardous materials.	\$ 3,000	M	30
§273.18(d)	Failure of the originating handler to ensure that the receiving handler agrees to accept the universal waste.	\$ 4,500	NM	
§273.18(e)	Failure of Small Quantity Handler of Universal Waste to receive back or agree on an alternate facility for rejected shipments of universal waste.	\$ 5,000	NM	
§273.18(f)	Failure of Small Quantity Handler of Universal Waste to properly reject shipments of universal waste.	\$ 5,000	NM	
§273.18(g)	Failure of Small Quantity Handler of Universal Waste to immediately notify the Department if an illegal shipment of hazardous waste, that was shipped as universal waste, is received.	\$ 5,000	NM	
§273.18(h)	Failure of Small Quantity Handler of universal waste receiving non-hazardous, non-universal waste to manage such waste in accordance with N.J.A.C. 7:26.	\$ 3,000	M	30
§273.20(a)	Failure of Small Quantity Handler of Universal Waste to comply with the requirements of a primary exporter when shipping universal waste to a foreign destination.	\$ 3,000	M	30
§273.20(b)	Small Quantity Handler of Universal Waste exported universal waste without consent of the receiving country and/or not in conformance with EPA Acknowledgement of Consent.	\$ 5,000	NM	
§273.20(c)	Failure of Small Quantity Handler of Universal Waste that exported universal waste to provide a copy of the EPA Acknowledgement of Consent to the transporter.	\$ 3,000	M	30
§273.31	Failure of Large Quantity Handler of Universal Waste to comply with universal waste prohibitions.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.32(a)	Failure of Large Quantity Handler of Universal Waste to send a written notification to the Department and/or receive an EPA Identification Number prior to meeting or exceeding the 5,000 kg storage limit.	\$ 5,000	NM	
§273.32(b)	Failure of Large Quantity Handler of Universal Waste to include all information on the written notification to the Department.	\$ 3,000	M	30
§273.33(a)1	Failure of Large Quantity Handler of Universal Waste to place universal waste batteries which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the batteries, and non-leaking.	\$ 4,500	NM	
§273.33(a)2	Failure of Large Quantity Handler of Universal Waste conducting activities not to manage as hazardous waste casings of individual battery cells that have been breached.	\$ 4,500	NM	
§273.33(a)3	Failure of Large Quantity Handler of Universal Waste to determine if removed electrolyte or other solid waste is hazardous and to manage it in compliance with all appropriate regulations.	\$ 5,000	NM	
§273.33(b)1	Failure of Large Quantity Handler of Universal Waste to place universal waste pesticides in a container that is closed, structurally sound, compatible with the pesticide, and non-leaking.	\$ 4,500	NM	
§273.33(b)2	Failure of Large Quantity Handler of Universal Waste to overpack containers of universal waste pesticides which did not meet requirements of 40 CFR 273.33(b)1.	\$ 4,500	NM	
§273.33(b)3	Failure of Large Quantity Handler of Universal Waste to contain universal waste pesticides in a tank which meets the requirements of 40 CFR 265 Subpart J.	\$ 3,000	M	30
§273.33(b)4	Failure of Large Quantity Handler of Universal Waste to place universal waste pesticides in a transport vehicle or vessel that is closed, structurally sound, compatible with the pesticide, and non-leaking.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.33(c)1	Failure of Large Quantity Handler of Universal Waste to place universal waste thermostats which show evidence of leakage, spillage or damage in a container that is closed, structurally sound, compatible with the contents of the thermostat, and non-leaking.	\$ 4,500	NM	
§273.33(c)2i	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.	\$ 4,500	NM	
§273.33(c)2ii	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	\$ 4,500	NM	
§273.33(c)2iii	Failure of Large Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
§273.33(c)2iv	Failure of Large Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
§273.33(c)2v	Failure of Large Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	\$ 4,500	NM	
§273.33(c)2vi	Failure of Large Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	\$ 4,500	NM	
§273.33(c)2vii	Failure of Large Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.33(c)2viii	Failure of Large Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.	\$ 4,500	NM	
§273.33(c)3	Failure of Large Quantity Handler of Universal Waste, who removes mercury-containing ampules from thermostats, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	\$ 5,000	NM	
§273.33(d)1	Failure of Large Quantity Handler of Universal Waste to place universal waste lamps in a container that is closed, structurally sound, compatible with the contents of the lamp, and non-leaking.	\$ 4,500	NM	
§273.33(d)2	Failure of Large Quantity Handler of Universal Waste to clean up and place any lamp that is broken or that shows evidence of breakage, leakage, or damage that could cause the release of hazardous constituents, in a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.	\$ 4,500	NM	
§273.34(a)	Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste batteries or containers of universal waste batteries.	\$ 3,000	M	30
§273.34(b)	Failure of Large Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of recalled universal waste pesticides.	\$ 3,000	M	30
§273.34(c)	Failure of Large Quantity Handler of Universal Waste to properly label or mark containers, tanks, transport vehicles or vessels of unused universal waste pesticides.	\$ 3,000	M	30
§273.34(d)	Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste thermostats or containers of universal waste thermostats.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.34(e)	Failure of Large Quantity Handler of Universal Waste to properly label or mark universal waste lamps or containers of universal waste lamps.	\$ 3,000	M	30
§273.35(a)-(b)	Large Quantity Handler of Universal Waste accumulated universal waste for greater than one year, without proving the accumulation was solely for the purpose of facilitating proper recovery, treatment or disposal.	\$ 5,000	NM	
§273.35(c)	Failure of Large Quantity Handler of Universal Waste to demonstrate the length of time that the universal waste was accumulated.	\$ 4,500	NM	
§273.36	Failure of Large Quantity Handler of Universal Waste to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.	\$ 4,500	NM	
§273.37(a)	Failure of Large Quantity Handler of Universal Waste to immediately contain any releases or residues of universal waste.	\$ 5,000	NM	
§273.37(b)	Failure of Large Quantity Handler of Universal Waste to determine if any material resulting from the release of universal waste is hazardous, and to properly manage the waste.	\$ 5,000	NM	
§273.38(a)	Large Quantity Handler of Universal Waste sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.	\$ 4,500	NM	
§273.38(b)	Failure of Large Quantity Handler of Universal Waste who self-transport to comply with the requirements at 40 CFR 273 Subpart D and N.J.A.C. 7:26A-7.4.	\$ 3,000	M	30
§273.38(c)	Failure of Large Quantity Handler of Universal Waste to properly package, label, mark, placard or complete the proper shipping papers for shipments of universal waste which are hazardous materials.	\$ 3,000	M	30
§273.38(d)	Failure of the originating handler to ensure that the receiving handler agrees to accept the universal waste.	\$ 4,500	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.38(e)	Failure of Large Quantity Handler of Universal Waste to receive back or agree on an alternate facility for rejected shipments of universal waste.	\$ 5,000	NM	
§273.38(f)	Failure of Large Quantity Handler of Universal Waste to properly reject shipments of universal waste.	\$ 5,000	NM	
§273.38(g)	Failure of Large Quantity Handler of Universal Waste to immediately notify the Department if an illegal shipment of hazardous waste, that was shipped as universal waste, is received.	\$ 5,000	NM	
§273.38(h)	Failure of Large Quantity Handler of universal waste receiving non-hazardous, non-universal waste to manage such waste in accordance with N.J.A.C. 7:26.	\$ 3,000	M	30
§273.39(a)1	Failure of Large Quantity Handler of Universal Waste to record the name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.	\$ 3,000	M	30
§273.39(a)2	Failure of Large Quantity Handler of Universal Waste to record the quantity of each type of universal waste received.	\$ 3,000	M	30
§273.39(a)3	Failure of Large Quantity Handler of Universal Waste to record the date of receipt of the shipment of universal waste.	\$ 3,000	M	30
§273.39(b)1	Failure of Large Quantity Handler of Universal Waste to record the name and address of the universal waste handler, destination facility, or foreign destination to whom universal waste was sent.	\$ 3,000	M	30
§273.39(b)2	Failure of Large Quantity Handler of Universal Waste to record the quantity of each type of universal waste sent.	\$ 3,000	M	30
§273.39(b)3	Failure of Large Quantity Handler of Universal Waste to record the date the shipment of universal waste left the facility.	\$ 3,000	M	30
§273.39(c)	Failure of Large Quantity Handler of Universal waste to retain the records for at least three years.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.40(a)	Failure of Large Quantity Handler of Universal Waste to comply with the requirements of a primary exporter when shipping universal waste to a foreign destination.	\$ 3,000	M	30
§273.40(b)	Large Quantity Handler of Universal Waste exported universal waste without consent of the receiving country and/or not in conformance with EPA Acknowledgement of Consent.	\$ 5,000	NM	
§273.40(c)	Failure of Large Quantity Handler of Universal Waste that exported universal waste to provide a copy of the EPA Acknowledgement of Consent to the transporter.	\$ 3,000	M	30
§273.51	Failure of Universal Waste Transporter to comply with universal waste prohibitions.	\$ 4,500	NM	
§273.52(a)	Failure of Universal Waste Transporter to comply with USDOT requirements for universal waste which meets the definition of a hazardous material.	\$ 4,500	NM	
§273.52(b)	Universal Waste Transporter described a universal waste with the words hazardous waste or N.O.S. or included the word waste in the shipping description.	\$ 3,000	M	30
§273.53	Universal Waste Transporter stored universal waste at a transfer facility for greater than 10 days without being in compliance subpart B or C of 40 CFR 273.	\$ 4,500	NM	
§273.54(a)	Failure of Universal Waste Transporter to immediately contain any releases or residues of universal waste.	\$ 5,000	NM	
§273.54(b)	Failure of Universal Waste Transporter to determine if any material resulting from the release of universal waste is hazardous, and to properly manage the waste.	\$ 5,000	NM	
§273.55(a)	Universal Waste Transporter sent or took universal waste to a place other than another universal waste handler, a destination facility, or a foreign destination.	\$ 5,000	NM	
§273.55(b)	Failure of Universal Waste Transporter to properly describe, on the shipping paper, any universal waste that meets the definition of a hazardous material.	\$ 3,000	M	30

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.56	Universal Waste Transporter accepted a shipment of universal waste, to be shipped to a foreign destination, knowing the shipment did not conform to the EPA Acknowledgement of Consent.	\$ 5,000	NM	
§273.56(a)	Failure of Universal Waste Transporter exporting universal waste to ensure that a copy of the EPA Acknowledgement of Consent accompanied the shipment.	\$ 3,000	M	30
§273.56(b)	Failure of Universal Waste Transporter exporting universal waste to ensure that the waste was delivered to the facility designated by the person initiating the shipment.	\$ 5,000	NM	
§273.60(a)	Failure of owner or operator of a Universal Waste Destination Facility to comply with the requirements of 40 CFR Parts 124, 264 through 266 and 270, as incorporated by reference at N.J.A.C. 7:26G, and the notification requirement under Section 3010 of RCRA.	\$ 3,000	M	30
§273.60(b)	Failure of owner or operator of a Universal Waste Destination Facility, that recycles a particular universal waste without storing that universal waste before it is recycled, to comply with 40 CFR 261.6(c)(2) as incorporated by reference at N.J.A.C. 7:26G-5.	\$ 3,000	M	30
§273.61(a)	Owner or operator of a Universal Waste Destination Facility sent or took universal waste to a place other than a universal waste handler, another destination facility or foreign destination.	\$ 5,000	NM	
§273.61(b)	Failure of owner or operator of a Universal Waste Destination Facility to properly reject shipments of universal waste.	\$ 5,000	NM	
§273.61(c)	Failure of owner or operator of a Universal Waste Destination Facility to immediately notify the Department if an illegal shipment of hazardous waste, that was shipped as universal waste, is received.	\$ 5,000	NM	

Rule	Rule Summary	Base Penalty	Type of Violation	Grace Period (days)
§273.62(a)1	Failure of owner of operator of a Universal Waste Destination Facility to record the name and address of the originating universal waste handler or foreign shipper from whom the universal waste was sent.	\$ 3,000	M	30
§273.62(a)2	Failure of owner of operator of a Universal Waste Destination Facility to record the quantity of each type of universal waste received.	\$ 3,000	M	30
§273.62(a)3	Failure of owner or operator of a Universal Waste Destination Facility to record the date of receipt of the shipment of universal waste.	\$ 3,000	M	30
§273.62(b)	Failure of owner or operator of a Universal Waste Destination Facility to keep records for three years.	\$ 3,000	M	30
§273.70	Failure of Universal Waste Transporter, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 CFR § 273 Subpart D immediately after waste was received in the United States.	\$ 3,000	M	30
§273.70(b)	Failure of Small or Large Quantity Handlers of Universal Waste, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 CFR § 273 Subpart B or C after waste was received in the United States.	\$ 3,000	M	30
§273.70(c)	Failure of owner or operator of a Universal Waste Destination Facility, managing universal waste that was imported from a foreign country, to comply with the requirements of 40 CFR § 273 Subpart E after waste is received in the United States.	\$ 3,000	M	30

14. The violations of N.J.A.C. 7:26A-7, Standards for the Management of Class D Universal Waste, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
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Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
N.J.A.C. 7:26A-7.4(b)1	Failure of Small Quantity Handler of Universal Waste to place a consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the consumer electronic, and non-leaking.	\$ 4,500	NM	
7:26A-7.4(b)2	Small Quantity Handler of Universal Waste disassembled a consumer electronic in a manner that constituted processing or treatment.	\$ 4,500	NM	
7:26A-7.4(b)3	Failure of Small Quantity Handler of Universal Waste who generates a solid waste, as the result of performing activities, to determine if the waste is hazardous.	\$ 5,000	NM	
7:26A-7.4(c)1	Failure of Small Quantity Handler of Universal Waste to place any universal waste mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the mercury-containing device, and non-leaking.	\$ 4,500	NM	
7:26A-7.4(c)2i	Failure of Small Quantity Handler of Universal Waste to remove mercury containing ampules in a manner designed to prevent breakage of the ampules.	\$ 4,500	NM	
7:26A-7.4(c)2ii	Failure of Small Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	\$ 4,500	NM	
7:26A-7.4(c)2iii	Failure of Small Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
7:26A-7.4(c)2iv	Failure of Small Quantity Handler of Universal Waste to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	

Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
7:26A-7.4(c)2v	Failure of Small Quantity Handler of Universal Waste to ensure that any area where mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	\$ 4,500	NM	
7:26A-7.4(c)2vi	Failure of Small Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	\$ 4,500	NM	
7:26A-7.4(c)2vii	Failure of Small Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	\$ 4,500	NM	
7:26A-7.4(c)2viii	Failure of Small Quantity Handler of Universal Waste to pack mercury-containing ampules in a container with packing materials adequate to prevent breakage during storage, handling, and transportation.	\$ 4,500	NM	
7:26A-7.4(c)3	Failure of Small Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if any waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	\$ 5,000	NM	
7:26A-7.4(d)	Failure of Small Quantity Handler of Universal Waste to manage oil-based finishes, in its original or otherwise appropriate and labeled packaging.	\$ 3,000	M	30
7:26A-7.4(d)1	Failure of Small Quantity Handler of Universal Waste to place any universal waste oil-based finish that shows evidence of leakage, spillage, or damage that could cause leakage, into a container that is closed, structurally sound, compatible with the contents of the oil-based finish, and non-leaking.	\$ 4,500	NM	
7:26A-7.4(d)2	Small Quantity Handler of Universal Waste to handled universal waste oil-based finishes in a manner that constituted processing.	\$ 4,500	NM	

Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
7:26A-7.5(b)1	Failure of Large Quantity Handler of Universal Waste to place any consumer electronic that shows evidence of leakage, spillage, or damage that could cause leakage, in a container that is closed, structurally sound, compatible with the contents of the consumer electronics, and non-leaking.	\$ 4,500	NM	
7:26A-7.5(b)2	Large Quantity Handler of Universal Waste conducted disassembling or processing on consumer electronics without applying for a Class D Approval.	\$ 4,500	NM	
7:26A-7.5(c)1	Failure of Large Quantity Handler of Universal Waste to place a universal waste mercury-containing device that shows evidence of leakage, spillage, or damage that could cause leakage into a container that is closed, structurally sound, compatible with the contents of the mercury-containing devices, and non-leaking.	\$ 4,500	NM	
7:26A-7.5(c)2i	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules in a manner designed to prevent breakage of the ampules.	\$ 4,500	NM	
7:26A-7.5(c)2ii	Failure of Large Quantity Handler of Universal Waste to remove mercury-containing ampules only over or in a containment device.	\$ 4,500	NM	
7:26A-7.5(c)2iii	Failure of Large Quantity Handler of Universal Waste to ensure that a mercury clean-up system is readily available to immediately transfer any mercury, resulting from spills or leaks from broken ampules, from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	
7:26A-7.5(c)2iv	Failure of Large Quantity Handler of Universal Waste to immediately transfer any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34.	\$ 4,500	NM	

Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
7:26A-7.5(c)2v	Failure of Large Quantity Handler of Universal Waste to ensure that the area in which mercury-containing ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA permissible exposure levels for mercury.	\$ 4,500	NM	
7:26A-7.5(c)2vi	Failure of Large Quantity Handler of Universal Waste to ensure that employees removing mercury-containing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures.	\$ 4,500	NM	
7:26A-7.5(c)2vii	Failure of Large Quantity Handler of Universal Waste to store mercury-containing ampules in closed, non-leaking containers that are in good condition.	\$ 4,500	NM	
7:26A-7.5(c)2viii	Failure of Large Quantity Handler of Universal Waste to pack mercury-containing ampules in containers with packing materials adequate to prevent breakage during storage, handling, and transportation.	\$ 4,500	NM	
7:26A-7.5(c)3	Failure of Large Quantity Handler of Universal Waste, who removes mercury-containing ampules, to determine if the waste generated exhibits a characteristic of hazardous waste, and to manage the waste in compliance with all appropriate regulations.	\$ 5,000	NM	
7:26A-7.5(d)	Failure of Large Quantity Handler of Universal Waste to manage universal waste finishes in its original packaging.	\$ 3,000	M	30
7:26A-7.5(d)1	Failure of Large Quantity Handler of Universal Waste to place any universal waste finish that shows evidence of leakage, spillage, or damage that could cause leakage in a container that is closed, structurally sound, compatible with the contents of the universal waste finish, and non-leaking.	\$ 4,500	NM	
7:26A-7.5(d)2	Large Quantity Handler of Universal Waste conducted disassembling or processing activities on universal waste finishes without applying for a Class D Approval.	\$ 4,500	NM	

Rule	Rule Summary	Base Base Penalty	Type of Type of Violation	Grace Period (days)
7:26A-7.5(e)	Failure of Large Quantity Handler of Universal Waste to submit a report to the Department documenting the types and amounts of universal waste which were received, stored and shipped in the preceding calendar year.	\$ 3,000	M	30
7:26A-7.7(a)	Failure to accumulate universal waste consumer electronics devices in a closed container that is clearly marked with the words Universal Waste-Consumer Electronics.	\$ 3,000	M	30
7:26A-7.7(b)	Failure to accumulate universal waste mercury-containing devices in a closed container that is clearly marked with the words Universal Waste-Mercury-Containing Devices.	\$ 3,000	M	30
7:26A-7.7(c)	Failure to mark a container, tank, transport vehicle or other vessel in which oil-based waste finishes are contained, with the words Universal Waste-Oil-Based Finish.	\$ 3,000	M	30

7:26-5.5 Civil administrative penalty determination (a)-(e) (No change.) (f) The Department shall assess a civil administrative penalty for violations described in this section on the basis of the seriousness of the violation and the conduct of the violator at the midpoint of the following ranges as follows: 1. A violation that meets the criteria at (f)1i through iii below and the criteria at *N.J.A.C. 7:26-5.10(c)*1 through 5 is minor. Such a minor violation shall be subject to a grace period of 30 days if the violation meets the criteria at (f)1i through iii below and *N.J.A.C. 7:26-5.10*. If compliance is not achieved in the required time period, the violator shall be subject to a \$ 3,000 penalty, to be assessed in accordance with the procedures set forth at *N.J.A.C. 7:26-5.10*. i. The violation poses minimal risk to the public health, safety and natural resources; ii. The violation does not materially and substantially undermine or impair the goals of the regulatory program; and iii. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Department. 2. A violation that does not meet the criteria set forth in (f)1 above is non-minor and the penalty shall be assessed at the mid-point of the following ranges, unless adjusted pursuant to (i) below.

SERIOUSNESS

		Major	Moderate	Minor
CONDUCT	Major	\$ 40,000- \$ 50,000	\$ 30,000- \$ 40,000	\$ 15,000- \$ 25,000
	Moderate	\$ 30,000- \$ 40,000	\$ 10,000- \$ 20,000	\$ 3,000- \$ 6,000
	Minor	\$ 15,000- \$ 25,000	\$ 3,000- \$ 6,000	N/A*

*N/A means not applicable.

(g)-(i) (No change.)

7:26-5.6 Civil administrative penalty for submitting inaccurate or false information

(a)-(d) (No change.)

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

7:26-5.7 Civil Administrative penalty for failure to allow lawful entry and inspection

(a)-(d) (No change.)

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

7:26-5.8 Civil administrative penalty for failure to pay a fee

(a)-(d) (No change.)

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

7:26-5.10 Grace period applicability; procedures

- (a) Each violation identified in the penalty tables at *N.J.A.C. 7:26-5.4(g)* by an "M" in the Type of Violation column and each violation that is determined to be minor under *N.J.A.C. 7:26-5.5(f)1*, for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period, the length of which (in days) is indicated in the column with the heading "Grace Period."
- (b) Each violation identified in the penalty tables at *N.J.A.C. 7:26-5.4(g)* by an "NM" in the Type of Violation column is a non-minor violation and is not subject to a grace period.
- (c) The Department or local government agency shall provide a grace period 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 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 notified 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 indicates a pattern of illegal conduct and not isolated incidents on the part of the person responsible.
- (d) For a violation determined to be minor under (c) 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 and regulatory 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 (d)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 for purposes of calculating the "severity penalty component" under *N.J.A.C. 7:26-5.4(f)*.
 3. The person responsible for a violation shall submit to the Department or local government agency, before the end of the specified grace period, written information, certified in accordance with *N.J.A.C. 7:26-2.4(e)* or *7:26A-3.2(b)*, and signed by the person responsible for the minor violation, 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 end 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. 7:26-2.4(e)* or *7:26A-3.2(b)*. The Department 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 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 the notice of violation under (d)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.

7:26-5.11 (No change in text.)

7:26H-1.4 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise. . . . "Grace period" means the period of time afforded under *N.J.S.A. 13:1D-125* et seq., commonly known as the Grace Period Law, for a person to correct a minor violation in order to avoid imposition of a penalty that would be otherwise applicable for such violation. . . . 7:26H-5.18 Penalties for violation of rules adopted pursuant to the Act

(a)-(e) (No change.)

(f) The rule summary in this subsection, which summarizes certain provisions in this chapter, is provided for informational purposes only. In the event that there is a conflict between the rule summary in this subsection and a provision in this chapter, then the provision in this chapter shall prevail.

1. The violations of N.J.A.C. 7:26H-1, General Requirements, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation are as set forth in the following table.

Citation (N.J.A.C.)	Summary	Base Penalty	Type of Violation	Grace Period (days)
(N.J.A.C.)7:26H-1.6(a)	Failure to obtain a Certificate of Public Convenience and Necessity prior to engaging in the business of solid waste collection or solid waste disposal.	\$ 5,000	NM	
7:26H-1.6(c)	Failure of solid waste utility to have a Certificate of Public Convenience and Necessity when bidding for a solid waste contract.	\$ 5,000	NM	
7:26H-1.12(c)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.10, for services that do not increase charges above the peak rate.	\$ 2,000	M	30
7:26H-1.12(d)	Failure of the disposal utility to file rate revisions, in accordance with N.J.A.C. 7:26H-3.11, for services that increase charges above the peak rate.	\$ 2,000	M	30
7:26H-1.14(a)	Failure of solid waste utility to furnish safe, adequate, and proper service.	\$ 2,500	NM	
7:26H-1.14(d)	Failure of collection utility to file a petition with the Department prior to discontinuing service to a customer, which petition shall give the reasons for such discontinuance.	\$ 2,500	NM	

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26H-1.14(e)	Failure of solid waste utility to file a report with the Department when service to a customer is interrupted and it appears that the interruption will continue for more than one day or one pick up.	\$ 2,000	M	1
7:26H-1.20(b)1	Failure of solid waste utility to ensure all records are maintained at an office in the State of New Jersey unless otherwise approved by the Department.	\$ 2,000	M	30
7:26H-1.20(b)3	Failure of solid waste utility to notify the Department of the location of the office or offices where records pertaining to the provision of solid waste services are maintained.	\$ 2,000	M	30
7:26H-1.20(c)	Failure of solid waste utility to retain all documents for at least five years from the date that the documents were due or created, and at the office of the solid waste utility.	\$ 2,000	M	30
7:26H-1.21	Failure of solid waste utility to file evidence of insurance.	\$ 5,000	NM	
7:26H-1.24(b)	Failure of solid waste utility to have a lease on file with the Department for the use of all property, equipment and facilities that are used to provide service and are not owned by the utility.	\$ 2,500	NM	

2. The violations of N.J.A.C. 7:26H-3, Transactional Filings, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation are as set forth in the following table.

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
(N.J.A.C.) 7:26H-3.2(a)	Failure of solid waste utility to receive authorization of the Department prior to consummating the sale, transfer, or encumbrance of the assets of the solid waste utility or any change in majority control of such utility.	\$ 3,000	NM	
7:26H-3.2(c)	Failure of the solid waste utility to ensure notice of sale appears in newspapers at least 30 days before sale occurs.	\$ 2,000	M	30
7:26H-3.3(a)	Failure of solid waste utility to petition for authority to transfer capital stock; Transfer without authorization.	\$ 3,000	NM	

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26H-3.4(a)	Failure of solid waste utility to obtain Department approval prior to consolidating or merging with another solid waste utility, merging or consolidating with any other person or business concern, or dissolution of the solid waste utility.	\$ 3,000	NM	
7:26H-3.5(a)	Failure of solid waste utility to petition the Department for authority to issue stocks, bonds, notes, other evidence of indebtedness or to execute mortgages and comply with requirements thereof.	\$ 3,000	NM	
7:26H-3.6(a)	Failure of solid waste utility to file a Notice of Intent and obtain Department approval prior to entering into a management agreement with any person.	\$ 3,000	NM	
7:26H-3.6(c)	Failure of solid waste utility to ensure a Notice of Intent to enter into a management agreement appears in newspapers at least 30 days prior to the completion of the transaction.	\$ 2,000	M	30
7:26H-3.7(a)	Failure of solid waste utility to receive approval of the Department prior to taking any action which would cause a change in the utility's depreciation rates.	\$ 2,500	NM	

3. The violations of N.J.A.C. 7:26H-4, Solid Waste Tariffs, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation are as set forth in the following table.

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
N.J.A.C. 7:26H-4.2(a)	Failure of solid waste utility to file a tariff and maintain a copy for public inspection.	\$ 3,000	NM	
7:26H-4.4(a)1	Failure of utility's customer to allow unencumbered access to containers. All containers and areas from which solid waste is to be collected shall be kept free from all hazards and potential hazards.	\$ 2,000	M	30
7:26H-4.4(a)2	Failure of solid waste utility to comply with collection service provisions of the approved tariff.	\$ 2,500	NM	

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26H-4.4(a)3	Failure of solid waste utility to assist customers in the selection of the rate schedule most favorable for their individual requirements.	\$ 2,000	M	30
7:26H-4.4(a)4	Failure of solid waste utility to identify in the tariff, miscellaneous collection services, prior to providing any of these same services.	\$ 2,000	M	30
7:26H-4.4(a)6	Failure of solid waste utility to ensure that loads of solid waste and designated source separated recyclable materials are not commingled; Disposing of leaves in any manner that differs from that outlined in N.J.S.A. 13:1E-99.21.	\$ 2,500	NM	
7:26H-4.4(a)7	Failure of solid waste utility to make a pick up, not later than the next regularly scheduled collection day should the collector fail to pick up solid waste on a regularly scheduled day.	\$ 2,000	M	30
7:26H-4.4(a)9	Failure of the collector to provide the customer at least 10 days written notice of its intention to discontinue service.	\$ 2,500	NM	
7:26H-4.4(b)3	Failure of solid waste utility to include all required items, listed separately, on all bills for collection.	\$ 2,000	M	30
7:26H-4.7(a)1	Failure of the disposal utility to operate according to the schedule contained in its permits and approved tariff; Failure to ensure all hours and rates are publicly posted.	\$ 2,000	M	30
7:26H-4.7(b)2	Failure of the disposal utility to comply with billing and invoicing requirements.	\$ 2,000	M	30
7:26H-4.7(b)4	Failure to comply with the facility's applicable rate schedule by assessing a late payment charge on an unpaid bill when such a charge is not provided for in the disposal facility's applicable rate schedule approved by the Department.	\$ 2,000	M	30
7:26H-4.7(c)1	Failure of the solid waste utility to comply with advanced payment account requirements.	\$ 2,000	M	30

4. The violations of N.J.A.C. 7:26H-5, Solid Waste Collection Regulatory Reform, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation are as set forth in the following table.

Citation (N.J.A.C.)	Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26H-5.4(a)	Failure of the solid waste collector to charge or receive only those rates or charges for solid waste collection service which would result from effective competition. No solid waste collector shall charge or receive rates or charges for solid waste collection service which are greater than or less than rates or charges what would result from effective competition.	\$ 2,500	NM	
7:26H-5.6(a)	Failure of solid waste utility to pay annual utility fee.	\$ 2,000	M	30
7:26H-5.9(c)1	Failure of solid waste utility to submit annual Customer List.	\$ 2,000	M	30
7:26H-5.9(c)7	Failure of solid waste utility to maintain customer lists in proper format and available for inspection.	\$ 2,000	M	30
7:26H-5.12(b)	Failure of the collector to notify customers at least once each year that solid waste collection services in this State are available on a competitive basis and include with that notice a complete copy of a customer bill of rights.	\$ 2,000	M	30
7:26H-5.12(c)5	Failure of the solid waste collector to handle customer complaints in a prompt, courteous, and efficient manner.	\$ 2,000	M	30
7:26H-5.12(c)6	Failure of the solid waste collector to remove and transport solid waste in an environmentally sound manner that safeguards the public health and preserves the quality of the environment.	\$ 2,000	M	30
7:26H-5.12(c)7	Failure of the solid waste collector to notify its customers in writing at least 10 days prior to any increase or decrease in rates.	\$ 2,000	M	30

Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
7:26H-5.12(c)9	Failure of the solid waste collector to remove its container or other equipment from the customers premises within three days of the effective date of discontinuance regardless of the status of the account.	\$ 2,000	M	1
7:26H-5.12(c)15	Failure of the solid waste collector to transmit copies of any notice of discontinuance of service to the Department at the same time it is transmitted to the customer.	\$ 2,000	M	30
7:26H-5.12(c)16	Failure of solid waste utility to ensure solid waste services contracts or agreements do not include any clause that calls for automatic renewal of the contract or agreement.	\$ 2,000	M	30
7:26H-5.12(c)17	Failure of collection utility to display their name, as it appears on their Certificate of Public Convenience and Necessity, and any "trading as" name on all vehicles and containers.	\$ 2,000	M	30
7:26H-5.12(d)	Failure of the collector to submit a certification to the Department certifying that each customer was provided with a customer bill of rights.	\$ 2,000	M	30

5. The violations of N.J.A.C. 7:26H-6, Uniform Bid Specifications for Municipal Solid Waste Collection Contracts, whether the violation is minor or non-minor, the length of the grace period, and the civil administrative penalty amounts for each violation are as set forth in the following table.

N.J.A.C.) Citation	Summary	Base Penalty	Type of Violation	Grace Period (days)
(N.J.A.C.) 7:26H-6. 15(b)	Failure of the contractor to promptly and properly attend to all complaints of residents and all notices, directives and orders of the contract administrator within 24 hours of the receipt of same; to keep a record of complaints and the date and time of the responses to such complaints, as well any action taken; to provide a written summary of all complaints and responses to the contract administrator each month.	\$ 2,000	M	1

7:26H-5.19 Matrix penalty determination

(a)-(d) (No change.)

(e) The Department shall assess a civil administrative penalty for violations described in this section on the basis of the seriousness of the violation and the conduct of the violator at the midpoint of the following ranges as follows:

1. A violation that meets the criteria at (e)1i through iii below and the criteria at *N.J.A.C. 7:26H-5.23(c)*1 through 5 is minor. Such a minor violation shall be subject to a grace period of 30 days if it meets the criteria of subsections i through iii below and *N.J.A.C. 7:26H-5.23*. If compliance is not achieved in the required time period, the violator shall be subject to a \$ 2,000 penalty, to be assessed in accordance with the procedures set forth at *N.J.A.C. 7:26H-5.23*.
 - i. The violation poses minimal risk to the public health, safety and natural resources;
 - ii. The violation does not materially and substantially undermine or impair the goals of the regulatory program; and
 - iii. The activity or condition constituting the violation is capable of being corrected and compliance achieved within the time prescribed by the Department.
2. A violation that does not meet the criteria set forth in (e)1 above is non-minor and the penalty shall be assessed at the mid-point of the following ranges, unless adjusted pursuant to (h) below and in accordance with the applicable severity frequency multipliers identified in (i) below.

SERIOUSNESS

		Major	Moderate	Minor
	Major	\$ 9,000- \$ 10,000	\$ 7,000- \$ 8,000	\$ 5,000- \$ 6,000
		(\$ 9,500 midpoint)	(\$ 7,500 midpoint)	(\$ 5,500 midpoint)
CONDUCT	Moderate	\$ 7,000- \$ 8,000	\$ 4,000- \$ 5,000	\$ 2,000- \$ 3,000
		(\$ 7,500 midpoint)	(\$ 4,500 midpoint)	(\$ 2,500 midpoint)
	Minor	\$ 5,000- \$ 6,000	\$ 2,000- \$ 3,000	N/A*
		(\$ 5,500 midpoint)	(\$ 2,500 midpoint)	

*N/A means not applicable.

(f)-(i) (No change.)

7:26H-5.20 Penalty for submitting inaccurate or false information

(a)-(d) (No change.)

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

7:26H-5.21 Penalty for failure to allow lawful entry and inspection

(a)-(d) (No change.)

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

7:26H-5.22 Vehicles used to transport food not to be used to transport solid waste; exceptions and penalties

(a)-(h) (No change.)

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

7:26H-5.23 Grace period applicability; procedures

- (a) Each violation identified in the penalty tables at *N.J.A.C. 7:26H-5.18(f)* by an "M" in the Type of Violation column and for each violation that is determined to be minor under *N.J.A.C. 7:26H-5.19(f)1*, for which the conditions at (c) below are satisfied, is a minor violation, and is subject to a grace period, the length of which is indicated in the column with the heading "Grace Period."
- (b) Each violation identified in the penalty tables at *N.J.A.C. 7:26H-5.18(f)* by an "NM" in the Type of Violation column is a non-minor violation and will not be subject to a grace period.
- (c) The Department or local government agency shall provide a grace period 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 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 notified 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.
- (d) For a violation determined to be minor under (c) 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 and regulatory 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 (d)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 for purposes of calculating the "severity penalty component" under *N.J.A.C. 7:26H-5.18(e)*.
 3. The person responsible for a violation shall submit to the Department or local government agency, before the end of the specified grace period, written information, signed by the person responsible for the minor violation, 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 end 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. The Department 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 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 the notice of violation under (d)1 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.

7:26H-5.24 (No change in text.)