

**ENVIRONMENTAL PROTECTION
COMPLIANCE & ENFORCEMENT**

Hazardous Waste Rules

Proposed amendments: N.J.A.C. 7:26G-2.4(g); 2.5; 2.6; 2.7; 2.8; 4.2; 7.3

Proposed new rule: N.J.A.C. 7:26G-2.10

Authorized by: Bradley M. Campbell, Commissioner,
Department of Environmental Protection.

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

Calendar Reference: See summary below for explanation of exception to calendar
requirement.

DEP Docket No: _____

Proposal Number: PRN 2005-_____

A public hearing concerning this proposal will be held on

Date: Friday, May 20, 2005

Time: 9:00 a.m. until the earlier of either 12:00 noon or the end of comments

New Jersey Department of Environmental Protection

Public Hearing Room

401 East State Street

Trenton, NJ 08625

Submit written comments by (60 days after publication) to:

Leslie W. Ledogar, Esq.

Attention: DEP Docket Number _____

Office of Legal Affairs

P.O. Box 402

Trenton, New Jersey 08625-0402

The Department of Environmental Protection (Department) requests that commenters

submit comments on disk or CD as well as on paper. Submittal of a disk or CD is not a requirement. The Department prefers Microsoft Word 6.0 or above. Macintosh™ formats should not be used. Each comment should be identified by the applicable N.J.A.C. citation with the commenter's name and affiliation following the comment.

This rule proposal document can be viewed or downloaded from the Department's web page at www.nj.gov/dep/rules/opr/hwgpruler.pdf.

The agency proposal follows:

Summary

As the Department has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department regulates the handling of solid and hazardous waste pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq., and pursuant to continuing authorization from the United States Environmental Protection Agency (EPA) to enforce the Federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901, et seq. The New Jersey Hazardous Waste Program is modeled after the EPA program, incorporates by reference the Federal regulations found at 40 C.F.R. Parts 260 – 271 and is required to follow EPA policies and guidelines with regard to enforcement of the Federal RCRA regulations.

The Department is proposing to amend the Hazardous Waste rules to identify violations of the Hazardous Waste rules as either minor or non-minor for the purpose of providing 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 proposed amended rules set forth how the Department will respond to any violation identified as minor.

Additionally, the proposed amendments update the penalty tables at N.J.A.C. 7:26G-2.4(g) to include violations of recently codified Code of Federal Regulation (CFR) provisions that are incorporated by reference into the Department's Hazardous Waste rules pursuant to

N.J.A.C. 7:26G-1.4. The Department also proposes to update the penalty tables with new base penalties.

N.J.A.C. 7:26G-7.3(a)1 and 7:26G-7.3(a)2 incorporate by reference the Hazardous Materials Transportation Regulations codified at 49 C.F.R. Parts 171 through 180 and the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 through 397. The Department is proposing to amend N.J.A.C. 7:26G-7.3(a)1 to incorporate by reference the Hazardous Materials Transportation Regulations codified at 49 C.F.R. Part 130, which identify handling requirements for transporters of oil. These requirements were inadvertently omitted in the prior rulemaking (see 28 N.J.R. 1693(a), for the proposal and 28 N.J.R. 4606(a) for the adoption) which, in addition to incorporating the Federal regulations by reference, also resulted in the deregulation of waste oil in New Jersey from a hazardous waste to a recyclable material. The Department is also proposing penalties for violations of 49 C.F.R. Parts 130, 171 through 180 and 49 C.F.R. Parts 390 through 397 at N.J.A.C. 7:26G-2.4(g)10.

Grace Period Amendments

On December 22, 1995, the Legislature enacted the Grace Period Law, N.J.S.A. 13:1D-125 et seq., which requires the establishment of procedures to ensure the consistent application of grace (compliance) periods for minor violations of certain environmental statutes. Pursuant to that law, the Department is required to designate, through rulemaking, certain types of violations of rules contained in sixteen environmental statutes as minor or non-minor violations. Under the Grace Period Law, any person responsible for a minor violation is afforded a period of time by the Department to correct the violation. This period of time is known as a grace period. If the minor violation is corrected as required, then the Department will not assess a penalty. In those cases where a violation is not corrected within the grace period, the Department may pursue enforcement action in accordance with its statutory authority including, but not limited to, the assessment of penalties as may be appropriate within the exercise of the Department's traditional, judicially recognized enforcement discretion.

The Grace Period Law does not affect the Department's enforcement authority, including the exercise of enforcement discretion, to treat a violation as minor. In those situations where a

violation is labeled as minor in these proposed amendments and new rules, but in fact the specific violation as it occurred does not fulfill all the statutory requirements for a minor violation (N.J.S.A. 13:1D-129(b)), the Department reserves its discretion to treat the violation as non-minor.

The Department interprets the Grace Period Law to give it the flexibility to re-classify a minor violation as non-minor if one or more of the Grace Period Law requirements have not been met. For instance, the Department believes that the Legislature did not intend for a violation which actually results in serious harm to the public, the environment or to natural resources to be considered minor for grace period purposes. This is because one of the criteria for a minor violation is that it impose minimal risk to public health, safety and natural resources. Since the statute intends that the Department consider the circumstances of a particular violation to determine, for example, whether there has been a similar or the same violation in the preceding twelve months or a pattern of illegal conduct, it is not inconsistent with the legislative intent to allow the Department the flexibility to re-classify a violation as non-minor under the particular circumstances of a violation.

In designating, through rulemaking, types or categories of violations as minor, the Department must apply the criteria set forth in the law at N.J.S.A. 13:1D-129(b). These criteria are as follows:

- (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 violation poses minimal risk to the public health, safety and natural resources;
- (3) The violation does not materially and substantially undermine or impair the goals of the regulatory program;
- (4) The activity or condition constituting the violation has existed for less than 12

months prior to the date of discovery by the Department;

(5) In the case of a permit violation, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local governmental agency as responsible for a violation of the same requirement of the same permit within the preceding 12 month period;

(6) In the case of a violation that does not involve a permit, the person responsible for the violation has not been identified in a previous enforcement action by the Department or a local governmental agency as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period;

(7) In the case of any violation, the person responsible for the violation has not been identified by the Department or a local agency as responsible for the same or substantially similar violation at any time that reasonably indicates a pattern of illegal conduct and not isolated incidents on the part of the person responsible; and

(8) The activity or condition constituting the violation is capable of being corrected and compliance achieved within the period of time prescribed by the Department.

The Grace Period Law also requires the Department to establish the length of the grace period, which may be no fewer than 30 days or more than 90 days (unless extended), based upon the nature and extent of the minor violation and a reasonable estimate of the time necessary to achieve compliance. The Department may establish a special class of minor violations that, for public health and safety reasons or regulatory mandates must be corrected within a period of fewer than 30 days.

Of the criteria provided by the Grace Period Law, only criteria (2), (3) and (8), as listed above, may pertain to all violations of a particular regulatory requirement. Therefore, the Department determined that violations that pose minimal risk to public health, safety, and the environment, do not undermine or impair the goals of the program, and can be corrected within a time period of up to 30 days, would be designated as minor.

The additional statutory criteria, (1), (4), (5), (6) and (7), regarding respectively, the intent of the violator, the duration of the violation, and whether it is a repeat offense, are fact specific for each violation and must be considered on a case by case basis. Thus, each violation listed at N.J.A.C. 7:26G-2.4(g) that is identified as minor will be eligible for a grace period only if it meets the additional criteria.

In order to obtain assistance in the development of these rules, the Department initiated an informal process to discuss and receive input from interested parties. As part of this process, the Department developed a discussion document setting forth a proposed list of minor and non-minor violations for the Hazardous Waste Program and conducted a series of workshops to provide an opportunity for interested parties to discuss the proposed list, provide comments and raise issues. The Department conducted workshops on November 12, 1996 and November 18, 1997 to discuss the application of the Grace Period Law to the Hazardous Waste Program and more recently conducted a stakeholders meeting on September 13, 2004, wherein a draft of the proposed changes to N.J.A.C. 7:26G-2.4 incorporating the Grace Period Law was made available for review and discussion. Thereafter, the Department reevaluated the applicability of the Grace Period Law to each violation listed in the penalty tables at N.J.A.C. 7:26G-2.4(g), the applicability of the Grace Period Law to penalties assessed according to N.J.A.C. 7:26G-2.5, and the setting of a minimum base penalty for all minor violations. These proposed amendments and new rules, which identify minor and non-minor violations of the Hazardous Waste rules, and provide the terms and conditions by which a grace period shall be afforded, reflect the Department's consideration of the input obtained at these meetings and the Department's subsequent evaluation of the proposed amendments.

In assessing penalties for violations of the RCRA-based Hazardous Waste rules, the Department has, for nearly twenty years, implemented the USEPA Hazardous Waste Civil Enforcement Response Policy (ERP). This policy, found at <http://www.epa.gov/Compliance/resources/policies/civil/federal/hwcerp1996.pdf>, requires EPA staff and RCRA-authorized states including New Jersey to classify violators as either significant non-compliers (SNC's) or secondary violators (SV's). Violators are classified as either SNC or SV based on the nature and/or impact of the violations cited (actual or substantial likelihood of exposure to hazardous

wastes/substantial deviation from the terms of a permit or regulatory requirements) and the compliance history of the violator (chronic/recalcitrant violators). The Department has, since 1985, classified violations of the Hazardous Waste rules as either high priority violations (HPVs) or secondary violations (SVs) based upon a review of the particular violation and its potential impact to or deviation from RCRA statutory or regulatory requirements. For HPVs (violations of substantial impact/deviation), penalties are assessed. For SVs that are not repeat violations and that are addressed in a timely manner, penalties are not assessed.

For purposes of determining whether RCRA-based violations should be classified as minor or non-minor under the Grace Period Law, the Department used its existing ERP-based classification as a starting point and then reviewed each RCRA requirement in light of the Grace Period Law criteria. Since the Hazardous Waste program is largely RCRA-based, and since the Grace Period Law specifies that violations that materially and substantially undermine or impair the goals of the regulatory program may not be classified as minor, the Department proposes classifying all HPVs as non-minor.

The Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 130, 171 through 180 and the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 through 397, listed in proposed new N.J.A.C. 7:26G-2.4(g)10, are regulations to which the ERP does not apply because they are not RCRA-based regulations. The proposed designations of violations of these rules as minor reflects the Department's determination, pursuant to the Grace Period Law criteria, that the minor classification apply only to violations that pose minimal risk to public health, safety, and the environment, do not undermine or impair the goals of the program, and can be corrected within a time period of up to 30 days. The proposed designation of the remaining violations of these rules is non-minor.

The Department is proposing a 30-day grace period for minor violations of the Hazardous Waste rules, except for, as provided for under the Grace Period Law, a special class of minor violations that, for public health and safety reasons, the Department has determined must be corrected within a period of less than 30 days. This class of violations consists of violations for which the Federal regulation that is incorporated into the Department's rules by reference mandates a correction timeframe, and violations that can easily be corrected within a very short

timeframe and for which failure to correct within that timeframe would pose a hazard to public health and safety.

An example of a violation for which the applicable Federal regulation mandates a correction timeframe would be a violation of 40 C.F.R. 262.34, the Federal regulation that specifies the amount of time that a hazardous waste generator may accumulate hazardous waste on-site without being subject to the storage facility operator requirements elsewhere in Part 262. Paragraph (c) of this section provides that a hazardous waste generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste at the point of generation, but only under certain enumerated circumstances. Additionally, if a generator accumulates more than 55 gallons of hazardous waste or one quart of acutely hazardous waste at the point of generation, that generator must move the excess amounts to a 90-day containment building within three days of the date that the excess amount began accumulating. Since paragraph (c) of this section requires compliance within three days, a three-day grace period is appropriate under these proposed rules.

An example of a violation that can easily be corrected in a very short timeframe is a violation of the Federal regulation at 49 C.F.R.172.304(a)1-4, regarding the marking of each package, freight container, and transport vehicle containing hazardous material offered for transportation. Section 172.304 requires that the marking meet certain requirements, such as being displayed on a background of sharply contrasting color. Hazardous materials labels are an integral part of an internationally harmonized system of communicating the hazards of hazardous materials in transportation and play a critical role in communicating the presence of hazardous materials to transport workers, to regulatory enforcement personnel and to emergency responders in the event of a hazardous materials incident. Labels that do not comply with the regulations can be ineffective in communicating the hazards of materials in transportation, and can thus pose a public health and safety threat. However, replacing a non-compliant label with a compliant one is easily accomplished within a short period of time, thereby easily ameliorating the threat to public health and safety. Notices of violation concerning labeling requirements would typically be issued during an onsite inspection or during a routine inspection of transporters in transit, where the inspector could verify that the violation had been corrected during the allotted timeframe. Accordingly, in enforcing this regulation, the Department believes that compliance

within one hour of the Department's issuing a notice of violation to a violator strikes an appropriate balance between protecting public health and safety and implementing the Grace Period Law.

The Department proposes to delete the existing Hazardous Waste penalty tables at N.J.A.C. 7:26-2.4(g) and replace them with updated tables that set forth the rule citation, a summary describing the violation and the corresponding base penalty or, as appropriate, reference to the "matrix" penalty calculation at N.J.A.C. 7:26G-2.5, and that contain two additional columns entitled "Type of Violation" and "Grace Period." The "Type of Violation" column includes one of two different designations, depending on whether the violation is minor (M) or non-minor (NM). A violation of the specific provision identified in the penalty tables as minor would be subject to the specified grace period, provided that the violation meets the criteria of N.J.S.A. 13:1D-129b(1), (4) or (5), which are set forth in proposed new N.J.A.C. 7:26G-2.10, discussed below. The length in days or hours, as applicable, of the grace period, if any, is indicated in the second proposed column, identified as "Grace Period."

The Department also proposes amending N.J.A.C. 7:26G-2.5(f) to incorporate the grace period concept into the assessment of penalties pursuant to the penalty matrix. Pursuant to proposed N.J.A.C. 7:26G-2.5(f)1, violations that qualify as minor shall be subject to a 30 day grace period. Consistent with the \$3,000 base penalty proposed for all minor violations (discussed more fully in the next section of this Summary), the penalty for these violations would be \$3,000, which would be assessed pursuant to the procedures set forth in the proposed grace period provisions at N.J.A.C. 7:26G-2.10(c) (discussed more fully below). Proposed N.J.A.C. 7:26G-2.5(f)2 provides that violations that do not qualify for grace period treatment under proposed N.J.A.C. 7:26G-2.5(f)1 would be non-minor and penalties would be assessed utilizing the penalty matrix, which would be recodified at the end of this subsection.

Proposed new N.J.A.C. 7:26G-2.10(a) and (b) identify whether a violation identified in the tables at N.J.A.C. 7:26G-2.4(g) or according to the procedure set forth at N.J.A.C. 7:26G-2.5(f)1 is considered a minor or non-minor violation. Proposed new N.J.A.C. 7:26G-2.10(c) identifies the general criteria for a violation to be considered a minor violation. The statutory criteria of N.J.S.A. 13:1D-129, the Grace Period Law, were discussed earlier in the Summary.

Proposed new N.J.A.C. 7:267:26G-2.10(d)1 requires the Department to issue a notice of violation to the person responsible for the violation. The notice must identify the violation, the statutory or other provision violated, and the length of the grace period. The notice is necessary in order that the person responsible may take advantage of the grace period.

If the person responsible demonstrates that he or she has corrected the violation within the applicable grace period, then proposed new N.J.A.C. 7:26G-2.10(d)2 provides that no penalty will be assessed for the violation. Moreover, the violation will not be considered for purposes of calculating the “severity factor” pursuant to N.J.A.C. 7:26G-2.4(f)3, which permits the Department to increase the applicable penalty based on the number of previous offenses the responsible person has committed.

The Department proposes new N.J.A.C. 7:26G-2.10(d)3 in order that it can verify that the person responsible for a minor violation has taken appropriate measures to achieve compliance within the grace period. The responsible person must submit, in writing, information detailing the corrective action taken or compliance achieved. The Department may perform an investigation to determine that the information submitted is accurate and that compliance has been achieved. Under proposed new N.J.A.C. 7:26G-2.10(d)4, if a person responsible for a minor violation seeks additional time beyond the grace period to achieve compliance, the person responsible for the violation must submit a written request for an extension to the Department at least one week prior to the expiration of the initial grace period, and explain why additional time is needed. The Department may, at its discretion, issue a written extension to the grace period specified in the notice of violation. No more than 90 additional days may be granted in accordance with the Statute. See N.J.S.A. 13:1D-127(b).

As set forth at proposed N.J.A.C. 7:26-2.10(d)4i through iv, in exercising its discretion to approve a request for an extension, the Department will consider whether the violator has taken reasonable measures to achieve compliance in a timely manner, whether the delay has been caused by circumstances beyond the control of the violator, whether the delay will pose a risk to the public health, safety and natural resources, and whether the delay will materially or substantially undermine or impair the goals of the regulatory program. A person responsible for

a violation may submit no more than one extension request for a violation specified in a notice of violation. (See proposed N.J.A.C. 7:26G-2.10(d)6.)

If the person responsible for the violation fails to demonstrate to the Department that compliance has been achieved within the period of time specified in the notice of violation or any approved extension of the grace period, then under proposed new N.J.A.C. 7:26G-2.10(d)5, the Department can impose a penalty retroactive to the date the notice of violation was first issued.

N.J.A.C. 7:26G-2.6 establishes civil administrative penalties for submitting inaccurate or false information in any application, registration, record or other document that is required to be maintained or submitted pursuant to the SWMA. N.J.A.C. 7:26-2.7 establishes civil administrative penalties for failure to allow lawful entry and inspection. N.J.A.C. 7:26-2.8 establishes civil administrative penalties for failure to pay a fee when due. The Department is proposing to amend N.J.A.C. 7:26-2.6 through 2.8 to indicate that violations under the sections are non-minor; accordingly, the violations will not be subject to a grace period. A violation of any of the provisions of these sections prevents the Department from determining compliance with the SWMA and would materially or substantially undermine or impair the goals of the Hazardous Waste Program, making the violations ineligible for a grace period under N.J.S.A. 13:1D-129(b)3.

N.J.A.C. 7:26G-4.2 sets forth the definitions applicable to the words and terms used in the Hazardous Waste rules. The Department proposes adding a definition of “grace period.” A grace period is the period of time afforded under the Grace Period Law for a person to correct a minor violation in order to avoid imposition of a penalty that would otherwise be applicable for such violation.

Base Penalties

Penalties are assessed under N.J.A.C. 7:26G-2.5, Civil administrative penalty determination, rather than under N.J.A.C. 7:26G-2.4 (discussed above) when a violation results in substantial actual or potential harm or is determined to be a substantial deviation from the

requirements of a permit or regulation and/or there are aggravating conduct factors such as poor compliance or operating history or the violation was clearly foreseeable and could have been avoided. A penalty is also assessed under this section when a violation is not listed in the penalty tables at N.J.A.C 7:26G-2.4.

N.J.A.C 7:26G-2.5(f) contains a penalty matrix according to which the Department assesses a penalty on the basis of the seriousness of the violation and the conduct of the violator. In the matrix, the penalty range for violations of minor conduct and minor seriousness is \$1,000 to \$2,500. The Department proposes replacing this range with “N/A,” meaning not applicable because, as discussed below, the Department is proposing a base penalty of \$3,000 for all violations classified as minor under the Grace Period Law whether the penalty is assessed pursuant to the table at N.J.A.C 7:26G-2.4(g) or under this paragraph.

The Department is proposing to re-establish all of the base penalties for the violations listed in the penalty tables at N.J.A.C. 7:26G-2.4(g). When establishing a base penalty, the Department assumes that the violation occurred in the least aggravating of circumstances and that the violator has been fully cooperative, has promptly implemented all appropriate mitigation or prevention measures, and has an otherwise satisfactory compliance or operating history. Base penalties are established at a level determined to be minimally necessary to deter future violations, and they assume that the violation was neither intentional nor even negligent, except as may otherwise be implicit in the particular infraction.

In the decade since the base penalties were last adjusted, costs to ameliorate Hazardous Waste violations have increased. The base penalties must have a deterrent effect sufficient to ensure that regulated entities do not avoid incurring the necessary costs to comply with the rules because it appears more cost-effective to instead pay penalties for violations. Accordingly, the Department proposes increasing the base penalty for minor violations of the Hazardous Waste rules to \$3,000 in order to increase the deterrent effect, and to encourage correction of violations during the allowed grace period, as well as compliance generally.

The Department is also proposing to revise the base penalties for non-minor violations to correlate them with the penalty matrix at N.J.A.C. 7:26G-2.5(f). As discussed above, the

Department proposes to eliminate the penalty range for minor conduct/minor seriousness, in view of the proposed \$3,000 base penalty for all minor violations. The next higher penalty range in the matrix is for penalties of minor conduct/moderate seriousness and moderate conduct/minor seriousness. The range for penalties at this level is \$3,000 to \$6,000. Using the penalty matrix, the penalty for a violation determined to fall in either of these categories would be assessed at the midpoint of the range, or \$4,500. Accordingly, if the existing base penalty for a non-minor violation in the table at N.J.A.C. 7:26G-2.4(g) is greater than or equal to \$4,500, no change to that base penalty is proposed. However, if the existing base penalty for a non-minor violation is less than the penalty that would be calculated using the penalty matrix, the base penalty is proposed to be increased to the value calculated using the matrix. These proposed amendments will enhance consistency in penalty assessments under the Solid Waste Management Act and will help ensure that the penalties have an appropriate deterrent effect.

Social Impact

The amendments and new rule will provide a positive social impact by helping encourage a greater sense of cooperation between the Department and the regulated community. By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed rules will encourage the regulated community to take positive action toward achieving compliance. Additionally, the use of the matrix-based approach to establishing base penalties will enable the Department to efficiently create base penalties for new violations and non-routine violations. This will further enhance the predictability of the penalty assessment procedure, and will allow the Department to devote greater resources to addressing those violations that pose a substantial threat to society.

Economic Impact

To the extent the proposed grace period provisions parallel and codify the approach that the Department has implemented through EPA's ERP, the proposed amendments are anticipated to have little economic impact on the regulated community. The proposed amendments that increase base penalties to correlate them with the penalty matrix at N.J.A.C. 7:26G-2.5, may

result in some additional economic burden to facilities; however this impact is limited to those facilities that commit non-minor violations or that do not achieve compliance within the established grace period.

The incorporation by reference of additional Federal regulations related to hazardous materials transportation and motor carrier safety, including the addition of 49 CFR 130, may result in additional instances of penalty assessment. The extent of the economic impact will depend primarily upon the nature of the violation, the violator's conduct and compliance history and the extent of any remedial or preventive measures which the violator has taken.

Environmental Impact

The penalty provisions of the Hazardous Waste rules will continue to provide a deterrent to those who would violate the hazardous waste regulatory requirements. However, by allowing an eligible violator an opportunity to correct certain minor violations within the time provided, thus establishing an economic impetus for compliance through avoidance of penalty, it is anticipated that the proposed rules will also encourage the regulated community to correct the violations in a more timely manner. Prompt correction will reduce the potential risk these minor violations may have created and will, therefore, result in an additional positive environmental impact. This should also enable the Department to focus its enforcement efforts on more serious environmentally threatening violations.

Federal Standards Analysis

Executive Order 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 proposed amendments to the Hazardous Waste rules include amendments to the penalty provisions that modify some of the penalty amounts and that implement the Grace Period Law, and that incorporate by reference the Hazardous Materials Transportation Regulations codified at 49 C.F.R. Part 130, and to include penalties for violations of 49 C.F.R. Parts 130, 171

through 180 and 49 C.F.R. Parts 390 through 397 at N.J.A.C. 7:26G-2.4(g)10. Pursuant to 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. 7:7:26G 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 Hazardous 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 grace period provisions in the proposed rules and has determined that the grace period provisions do not exceed any standard or requirement imposed by Federal law. The grace period provisions in the proposed rules are consistent with Federal law and Federal penalty assessment guidance, including the ERP.

Accordingly, no Federal Standard Analysis is required with regard to the amendment of the rules to include a grace period.

Jobs Impact

The proposed amendments and new rule are not anticipated to have either a positive or a negative impact upon jobs within the State. No facility will incur any costs unless it commits a violation that results in a penalty assessment.

Agriculture Industry Impact

In accordance with N.J.S.A. 4:1C-10.3, the Right to Farm Act, the Department has reviewed this proposal and has determined that it will have little to no impact upon the agriculture industry. If there is any effect at all upon members of the agricultural industry, it is anticipated that such effect will be to afford those members the same opportunity as others to correct certain types of violations in a manner as provided by the rule and thereby avoid a possible penalty assessment.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are defined as those that are independently owned and operated, not dominant in their field and employ fewer than 100 full-time employees. Many small quantity generators (SQGs) of hazardous waste are small businesses. These include, for example, dry cleaners, autobody and vehicle maintenance shops, academic laboratories, warehouse operations, printers, film developers and recreational facilities. Additionally, a small portion of the persons burning hazardous waste in boilers and industrial furnaces may come within the definition of small business.

The establishment of grace periods will allow small business responsible for a violation to avoid penalties if the violation is corrected within the time provided. It is, therefore, anticipated that the rule will encourage violators to achieve compliance in a timely fashion,

avoid repetition of the violation without the use of penalty actions, and efficiently address minor compliance matters without the need for professional services. The proposed amendments and new rule impose no reporting or recordkeeping requirements. Small businesses will incur the penalties established under these rules only if they are determined to be in violation of N.J.A.C. 7:26G. Grace periods, are not provided based upon business size, thereby ensuring a fair, efficient and effective penalty scheme.

Smart Growth

Executive Order No. 4 (2002) requires State agencies that adopt, amend or repeal any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State Development and Redevelopment Plan (State Plan). The Department has evaluated this rulemaking to determine the nature and extent of the proposed amendments and new rules' impact on smart growth and the implementation of the State Plan. The proposed amendments and new rules relate to the addition of a grace period for minor violations of the Hazardous Waste rules and include some new base penalties for certain violations that had not previously had base penalties assigned to them. They do not involve land use policies or infrastructure development and therefore do not impact the achievement of smart growth or implementation of the State Plan.

Since the proposed amendments and new rules will encourage protection of the environment, the rules support the conservation and environmental protection goals and policies underlying the State Plan.

Full text of the proposed amendments and new rule follows (additions indicated in boldface **thus**; deletions indicated in bracket [thus]):

CHAPTER 26G HAZARDOUS WASTE

Subchapter 2. Civil and Administrative Penalties and Requests for Administrative Hearings

7:26G-2.4 Civil administrative penalties for violations of rules adopted pursuant to the Act

(a) – (f) (No change)

(g) The following summary of rules contained in N.J.A.C. 7:26G-2 through 7:26G-12 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. 7:26G-2 through 7:26G-12, then the provision in N.J.A.C. 7:26G-2 through 7:26G-12 shall prevail. The citations beginning with the symbol “§” identify the rule section found in 40 C.F.R. Parts 124, 260-266, 268 and 270. Citations beginning with "7:26G" signify a State requirement not found in 40 C.F.R. Parts 124, 260-266, 268 and 270. The word “matrix” appearing in the “Base Penalty or Matrix” column refers to the penalty calculation matrix in 7:26G-2.5, which shall be applied in lieu of a “base penalty.” **In the “Type of Violation” column, “M” identifies a violation as minor and “NM” identifies a violation as non-minor. The length of the applicable grace period for a minor violation is indicated in the “Grace Period” column.**

1. (No change.)

[2. The violations of N.J.A.C. 7:26G-5, Identification and Listing of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule summary</u>	<u>Base penalty or Matrix</u>
(40 C.F.R. Part 261 Subpart A-General)		
§261.5(f)	Failure of generator of acute hazardous waste to comply with the requirements of 40 C.F.R. §261.5(f).	Matrix
§261.5(g)	Failure of conditionally exempt small quantity generator of hazardous waste to comply with the requirements of 40	Matrix

C.F.R. §261.5(g).

3. The violations of N.J.A.C. 7:26G-6, Standards Applicable to Generators of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule summary</u>	Base penalty or Matrix
(40 C.F.R. Part 262 Subpart A-General)		
§262.11	Failure of generator of solid waste to determine if waste is hazardous.	\$5,000
§262.12(a)	Failure of generator to have EPA identification number before it treats, stores, transports, offers for transportation, or disposes of hazardous waste.	\$5,000
§262.12(c)	Failure of generator to offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA identification number.	\$3,000
(40 C.F.R. Part 262 Subpart B-The Manifest)		
§262.20(a)	Failure of generator to prepare a manifest before transporting or offering for transport hazardous waste off-site.	\$5,000
§262.20(b)	Failure of generator to designate an authorized facility on the manifest.	\$10,000
§262.20(d)	Failure of generator to designate alternate facility or accept waste back in the event the transporter cannot deliver the waste.	Matrix
§262.21(a)	Failure to use approved manifest forms from the Department for intrastate shipments of hazardous waste in New Jersey or for hazardous	\$300

	waste originating in another state destined for New Jersey.	
§262.21(b)	Failure to use approved manifest forms for hazardous waste originating in New Jersey and destined for another state.	\$300
§262.23(a)(1)	Failure of generator to sign manifest.	\$2,000
§262.23(a)(2)	Failure of generator to obtain signature of initial transporter and date of acceptance on the manifest.	\$500
§262.23(a)(3)	Failure of generator to retain one copy of manifest or to forward one copy to state of origin or one to state of destination.	\$500
§262.23(b)	Failure of generator to supply transporter with remaining copies of manifest.	Matrix
§262.23(c)	Failure of generator shipping hazardous waste within the U.S. solely by water to send three copies of manifest form signed and dated to owner or operator of designated facility or last water transporter in the United States.	\$1,000
§262.23(d)	Failure of generator to send at least three copies of signed and dated manifest for rail shipments of hazardous waste within the United States to next non-rail transporter, designated facility, or lastrail transporter in the United States.	\$1,000
(40 C.F.R. Part 262 Subpart C-Pre-Transport Requirements)		
§262.30	Failure of generator to package hazardous waste in accordance with 49 C.F.R. Parts 173, 178, and 179.	\$1,000
§262.31	Failure of generator to label each package of hazardous waste in	\$1,000

	accordance with 49 C.F.R. Part 172.	
§262.32(a)	Failure of generator to mark packages of hazardous waste in accordance with 49 C.F.R. Part 172.	Matrix
§262.32(b)	Failure of generator to mark each container of hazardous waste with the proper wording or to display the wording in accordance with 49 C.F.R. 172.304.	\$1,000
§262.33	Failure of generator to placard or offer appropriate placard for a vehicle containing hazardous waste in accordance with 49 C.F.R. Part 172, Subpart F.	\$500
§262.34(a)	Failure of generator to ship waste off site within 90 days.	\$2,000
§262.34(a)(1)	Failure of generator to place waste in containers, in tanks, on drip pads, or in containment buildings in accordance with 40 C.F.R. §262.34(a)(1).	\$1,000
§262.34(a)(2)	Failure of generator to clearly mark container with date when accumulation period begins or to make mark visible for inspection.	\$1,000
§262.34(a)(3)	Failure of generator to clearly mark each container or tank with the words "Hazardous Waste."	\$1,000
§262.34(b)	Failure of generator who accumulates waste for greater than 90 days to comply with all disposal facility requirements.	Matrix
§262.34(c)(1)	Failure of generator to ensure that the quantity of waste in each area is no more than 55 gallons of hazardous waste or no more than one quart of acutely hazardous waste or to have area at or near any point of generation	\$1,000

where wastes initially accumulate in a process.

§262.34(c)(1)(ii)	Failure of generator to mark containers with the words "HAZARDOUS WASTE" or other words which identify the contents of the container.	\$1,000
§262.34(c)(2)	Failure of generator accumulating waste in excess of the amounts listed in 40 C.F.R. §262.34(c)(1) to mark container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.	\$1,000
§262.34(d)	Failure of generator of greater than 100 kilograms (kg) but less than 1,000 kg to ship waste off site within 180 days.	\$2,000
§262.34(d)(1)	Failure of generator of greater than 100 kg but less than 1,000 kg of hazardous waste to ensure quantity of waste never exceeds 6,000 kg.	Matrix
§262.34(d)(5)	Failure of generator of greater than 100 kg but less than 1,000 kg of hazardous waste to comply with emergency response requirements.	Matrix
§262.34(e)	Failure of generator of greater than 100 kg but less than 1,000 kg of hazardous waste, who transports his waste over 200 miles, to ship waste off site within 270 days.	\$2,000
§262.34(f)	Failure of generator of greater than 100 kg but less than 1,000 kg of hazardous waste, who exceeds the accumulation quantity or period, to comply with the disposal facility requirements.	\$2,000

(40 C.F.R. Part 262 Subpart D-Recordkeeping and Reporting)

§262.40(a)	Failure of generator to keep copy of manifest for three years.	\$500
§262.40(b)	Failure of generator to keep copy of hazardous waste report or exception report for three years.	\$300
§262.40(c)	Failure of generator to keep records of any test results, waste analyses, or other determinations for three years.	\$2,000
§262.40(d)	Failure of generator to keep copy of required records during the course of unresolved enforcement action or as requested by the Department.	\$1,000
§262.41(a)	Failure of generator to submit hazardous waste report of manifest activities by March 1.	\$300
§262.41(b)	Failure of generator who treats, stores or disposes of hazardous waste on-site to submit hazardous waste report covering those wastes.	\$3,000
§262.42(a)	Failure of generator of greater than 1,000 kg of hazardous waste to comply with exception reporting requirements.	\$1,000
§262.42(b)	Failure of generator of greater than 100 kg but less than 1,000 kg of hazardous waste to comply with exception reporting requirements.	\$1,000
(40 C.F.R. Part 262 Subpart E-Exports of Hazardous Waste)		
§262.50	Failure of generator to comply with requirements of 40 C.F.R. Part 262 et seq. for exports of hazardous wastes.	\$5,000
§262.52	Failure of generator to comply with the receiving country's consent requirements or to obtain the EPA Acknowledgment of Consent prior to exporting hazardous waste.	Matrix

§262.53(a)	Failure of generator to comply with the EPA notification requirements prior to offering hazardous waste for export.	Matrix
§262.54	Failure of generator exporting hazardous waste to comply with the special manifest requirements.	Matrix
§262.55	Failure of generator exporting hazardous waste to file an exception report.	\$2,000
§262.56	Failure of generator exporting hazardous waste to comply with the annual reporting requirements.	Matrix
§262.57	Failure of generator exporting hazardous waste to comply with the record keeping requirements.	Matrix

(40 C.F.R. Part 262 Subpart F-Imports of Hazardous Waste)

§262.60	Failure of generator importing hazardous waste to comply with the special manifest requirements and 40 C.F.R.§262.	Matrix
---------	--	--------

(N.J.A.C. 7:26G-6)

7:26G-6.1(c)3	Failure of generator to properly complete the ' manifest.	\$300
7:26G-6.2	Failure of generator to use proper waste code(s) that accurately describe the shipment of hazardous waste, determined according to the waste hierarchy.	\$500
7:26G-6.3(a)1	Failure of transporter to contact generator for instructions or of generator to give transporter instructions when a facility immediately rejects all or part of a shipment of hazardous waste or the transporter is unable to deliver the hazardous waste to the designated	\$1,000

	facility.	
7:26G-6.3(a)li	Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste returned to the generator.	Matrix
7:2G6-6.3(a)lii	Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste delivered to an alternate hazardous waste facility.	Matrix
7:2G6-6.3(a)2	Failure of generator, transporter, or facility to comply with manifest requirements when a facility rejects all or part of a shipment of hazardous waste and the manifest has been distributed by the facility.	Matrix
7:2G6-6.3(b)	Failure of transporter to accept a hazardous waste shipment when it is rejected by the designated facility and the waste was mixed or commingled by the transporter.	Matrix
7:26G-6.3(c)	Failure of transporter who accepts a return shipment of rejected waste under N.J.A.C. 7:26G-6.3(b) to comply with the requirements of N.J.A.C. 7:26G-6.3(c)1 and 2.	Matrix

4. The violations of N.J.A.C. 7:26G-7, Standards Applicable to Transporters of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule summary</u>	<u>Base penalty or Matrix</u>
-------------	---------------------	-------------------------------

(40 C.F.R. Part 263 Subpart A-General)

§263.11	Failure of transporter transporting hazardous wastes to have EPA identification number.	\$5,000
---------	---	---------

(40 C.F.R. Part 263 Subpart B-Compliance with the Manifest System and Recordkeeping)

§263.20(a)	Failure of transporter accepting hazardous waste from a generator to ensure it is accompanied by a manifest signed in accordance with the provisions of 40 C.F.R. §262.20.	\$300
------------	--	-------

§263.20(b)	Failure of transporter to sign or date manifest or return a signed copy of manifest to generator before leaving generator's property.	\$1,000
------------	---	---------

§263.20(c)	Failure of transporter to ensure that manifest accompanies hazardous waste.	\$5,000
------------	---	---------

263.20(d)(1)	Failure of transporter to obtain date of delivery and handwritten signature of other transporter or of owner or operator of designated facility.	\$500
--------------	--	-------

§263.20(d)(3)	Failure of transporter to give remaining copies of manifest to the accepting transporter or designated facility.	\$500
---------------	--	-------

§263.20(f)(1)(i)	Failure of rail transporter accepting hazardous waste from non-rail transporter to sign or date manifest.	\$2,000
------------------	---	---------

§263.20(f)(1)(ii)	Failure of rail transporter accepting hazardous waste from non-rail transporter to return a signed copy of manifest to non-rail transporter.	\$500
-------------------	--	-------

§263.20(f)(1)(iii)	Failure of rail transporter accepting hazardous waste from non-rail transporter to forward at least three copies of the manifest to next non-rail transporter, designated facility, or last	\$500
--------------------	---	-------

	rail transporter in United States.	
§263.20(f)(2)	Failure of rail transporter to ensure appropriate shipping paper accompanies hazardous waste at all times.	\$2,500
§263.20(f)(3)(i)	Failure of rail transporter delivering hazardous waste to designated facility to obtain date of delivery or handwritten signature of owner or operator of designated facility.	\$500
§263.20(f)(4)(i)	Failure of rail transporter delivering hazardous waste to non-rail transporter to obtain date of delivery or handwritten signature of non-rail transporter.	\$500
§263.20(f)(5)	Failure of non-rail transporter accepting hazardous waste from rail transporter to sign or date manifest or to provide signed copy of manifest to rail transporter.	\$1,000
§263.20(g)	Failure of transporter transporting waste out of U.S. to comply with requirements at 40C.F.R. §262.20(g)(1)-(4).	\$,000
§263.21(a)	Failure of transporter to deliver entire quantity to designated facility, alternate designated facility, next designated transporter, or place outside U.S.	\$10,000
§263.21(b)	Failure of transporter to contact generator for instructions or to revise manifest in case of undeliverable shipment.	\$1,000
§263.22(a)	Failure of transporter to maintain signed copy of manifest for three years.	\$500
§263.22(b)	Failure of water bulk shipment transporter to maintain copy of	\$500

	shipping paper for three years.	
§263.22(c)	Failure of rail transporter to maintain copy of manifest and shipping paper for three years.	\$500
§263.22(d)	Failure of transporter to maintain copy of manifest indicating shipment left U.S. for three years.	\$500
§263.22(e)	Failure of transporter to maintain copy of manifest during the course of unresolved enforcement action or as requested by the Department.	\$1,000
(40 C.F.R. Part 262 Subpart C-Hazardous Waste Discharges)		
§263.30(a)	Failure of transporter to take appropriate immediate action to protect human health and the environment from a discharge of hazardous waste during transportation.	\$10,000
§263.30(c)	Failure of transporter who has discharged hazardous waste to comply with State and Federal notice and report requirements.	\$3,000
§263.31	Failure of transporter to clean up the discharge and take action as may be required or approved.	\$10,000
(N.J.A.C. 7:26G-7)		
7:26G-7.2(a)1	Failure of transporter to obtain hazardous wastetransporter registration prior to operation.	\$10,000
7:26G-7.2(a)5	Failure of transporter to renew registration prior to May1 of each registration period.	\$300
7:26G-7.2(a) 7	Failureof transporter to notify Department of change of information on registration.	\$3,000
7:26G-7.2(b)1	Failure of transporter to ensure each	Matrix

	and every device used for the transportation of hazardous waste is registered with the Department.	
7:26G-7.2(b)2 Failure	of transporter to prevent registered vehicle from being used by another transporter.	\$5,000
7:26G-7.2(b)4	Transporter engaged in transportation of hazardous waste during period when decals and registration are withheld pursuant to N.J.A.C. 7:26G 7.2(b).	Matrix
7:26G-7.2(b)6	Failure of transporter to properly display registration decal or to have copy of lease and lease certification available for inspection.	\$2,000
7:26G-7.3(a)1	Failure of transporter to comply with the Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 171-180.	See N.J.A.C. 7:26G-2.4 Appendix, incorporated herein by reference
7:26G-7.3(a)2 Failure of transporter to comply with	the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390-397.	See N.J.A.C. 7:26G-2.4 Appendix
7:26G-7.3(b)	Failure to allow the Department to enter and inspect any vehicle transporting hazardous waste.	\$5,000
7:26G-7.4(a)	Failure of hazardous waste transfer facility to be operated by a licensed hazardous waste transporter who owns or leases the property.	Matrix
7:26G-7.4(b)	Failure to conduct storage, consolidation, or commingling only at a hazardous waste transfer facility or authorized hazardous waste facility.	Matrix
7:26G-7.4(c)	Failure of owner or operator of a	Matrix

	hazardous waste transfer facility to comply with notification requirements prior to operating.	
7:26G-7.4(d)	Failure of owner or operator of a hazardous waste transfer facility to maintain written log(s).	Matrix
7:26G-7.4(e)	Failure of transporter utilizing a hazardous waste transfer facility to enter the necessary information on the log(s).	Matrix
7:26G-7.4(f)1	Failure of transporter, who stores or consolidates closed containers at a hazardous waste transfer facility to be a licensed hazardous waste transporter.	Matrix
7:26G-7.4(f)2	Transporter stored or consolidated closed containers at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.	Matrix
7:26G-7.4(f)3	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to use containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 171-180.	Matrix
7:26G-7.4(f)4	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to maintain the containers in good condition.	Matrix
7:26G-7.4(f)5	Failure of transporter, who stores or consolidates closed containers at a hazardous waste transfer facility to comply with the hazardous materials segregation criteria.	Matrix
7:26G-7.4(f)6	Failure of transporter who stores or consolidates containers at a hazardous waste transfer facility to keep	Matrix

	containers of hazardous waste closed.	
7:26G-7.4(f)7	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to remove the newly consolidated waste loads at or prior to the 10-day limit.	Matrix
7:26G-7.4(g)1	Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to be a licensed hazardous waste transporter.	Matrix
7:26G-7.4(g)2	Transporter commingled hazardous waste at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.	Matrix
7:26G-7.4(g)3	Failure of transporter to commingle hazardous waste between containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 107, 171-180.	Matrix
7:26G-7.4(g)4	Failure of transporter to only commingle hazardous waste that is designated on the generators' manifests for receipt by the same designated facility.	Matrix
7:26G-7.4(g)5	Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to amend the generators' manifests to reflect the commingling of hazardous waste.	Matrix
7:26G-7.4(g)6	Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to remove the newly commingled waste load at or prior to the 10-day limit.	Matrix
7:26G-7.4(h)	Transporter commingled hazardous wastes of different USDOT shipping	Matrix

descriptions.

5. The violations of N.J.A.C. 7:26G-8, Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule summary</u>	<u>Base penalty or Matrix</u>
(40 C.F.R Part 264 Subpart B - General Facility Standards)		
§264.11	Failure of facility owner or operator to obtain EPA identification number.	\$5,000
§264.12(a)	Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least four weeks in advance of expected delivery.	\$5,000
§264.12(b)	Failure of facility owner or operator to inform generator in writing that he has the appropriate permits) for the waste the generator is shipping or to keep copy of notice in operating record.	Matrix
§264.12(c)	Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of 40 C.F.R. §264 and 270.	Matrix
§264.13(a)(1)	Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.	\$5,000
§264.13(a)(3)	Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.	\$1,000
§264.13(a)(4)	Failure of owner or operator of an off-	\$1,000

	site facility to inspect or analyze each hazardous waste shipment received to determine if it matches the waste specified on the manifest or shipping paper.	
§264.13(b)	Failure of facility owner or operator to develop or follow a written waste analysis plan.	\$5,000
§264.14(a)	Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.	Matrix
§264.14(b)	Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.	\$5,000
§264.14(c)	Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. §264.14(c).	\$500
§264.15(a)	Failure of facility owner or operator to inspect for malfunctions and deterioration, operator errors, or discharges.	\$3,000
§264.15(b)	Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify problems.	\$3,000
§264.15(c)	Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.	\$2,000
§264.15(d)	Failure of facility owner or operator to record inspections in log or to retain required information for three years.	\$300

§264.16(a)(1)	Failure of facility owner or operator to provide required classroom or on the-job training for facility personnel.	\$2,000
§264.16(a)(2)	Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management procedures.	\$1,000
§264.16(a)(3)	Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.	\$1,000
§264.16(b)	Failure of facility personnel to successfully complete the training program required in 264.16(a) within six months.	\$1,000
§264.16(c)	Failure of facility personnel to take part in an annual review of the initial training required in 40 C.F.R. §264.16(a).	\$500
§264.16(d)	Failure of facility owner or operator to maintain training records at the facility.	\$500
§264.16(e)	Failure of facility owner or operator to keep training records until closure.	\$500
§264.17(a)	Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.	\$1,000
§264.17 (b)	Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of	\$2,000

incompatible wastes to take precautions to prevent reactions.

(40 C.F.R. Part 264 Subpart C-Preparedness and Prevention)

§264.31	Failure of facility owner or operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.	\$5,000
§264.32	Failure of facility owner or operator to equip facility with emergency equipment.	\$5,000
§264.33	Failure of facility owner or operator to test and maintain emergency equipment.	\$1,000
§264.34	Failure of facility owner or operator to maintain access to communications or alarm system.	\$1,000
§264.35	Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	\$1,000
§264.37	Failure of facility owner or operator 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.	\$5,000

(40 C.F.R Part 264 Subpart D-Contingency Plan and Emergency Procedures)

§264.51(a)	Failure of facility owner or operator to have contingency plan designed to minimize hazards to human health and the environment.	\$5,000
§264.51(b)	Failure of facility owner or operator to carry out provisions of the plan	\$10,000

	immediately if there is a fire, explosion, or release.	
§264.52(a)	Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.	\$1,000
§264.52(b)	Failure of facility owner or operator to amend its SPCC (40 CFR Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7aE) plan to incorporate hazardous waste management provisions.	\$1,000
§264.52(c)	Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	\$300
§264.52(d)	Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.	\$300
§264.52(e)	Failure of contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.	\$300
§264.52(f)	Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	\$300
§264.53	Failure of 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.	\$300
§264.54	Failure of facility owner or operator to review or amend contingency plan as necessary.	\$300
§264.55	Failure of emergency coordinator to be thoroughly familiar with plan or	\$1,000

available at all times.

§264.56(a)-(b)	Failure of emergency coordinator to identify character, source, amount or a real extent of discharged materials; or to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.	\$2,000
§264.56(c)	Failure of emergency coordinator to assess possible hazards to human health and the environment.	\$1,000
§264.56(d)	Failure of emergency coordinator to immediately notify appropriate emergency response agency of situation threatening health and the environment.	\$5,000
§264.56(e)	Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.	\$5,000
§264.56(f)	Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.	\$5,000
§264.56(g)	Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.	\$1,000
§264.56(h)	Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored, or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.	\$1,000
§264.56(i)	Failure of facility owner or operator to notify Department and local	\$1,000

authorities that facility is in compliance before operations are resumed.

§264.56(j)	Failure of facility owner or operator to submit written report to Department within 15 days after an incident.	\$500
------------	--	-------

(40 C.F.R. Part 264 Subpart E-Manifest System, Recordkeeping, and Reporting)

§264.71(a)(1)	Failure of facility owner or operator to sign or date manifest.	\$2,000
---------------	---	---------

§264.71(a)(2)	Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.	\$500
---------------	---	-------

§264.71(a)(3)	Failure of facility owner or operator to give transporter a copy of manifest or forward one copy to the Department.	\$500
---------------	---	-------

§264.71(a)(4)	Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.	\$500
---------------	---	-------

§264.71(a)(5)	Failure of facility owner or operator to retain copy of manifest for three years.	\$500
---------------	---	-------

§264.71(b)(1)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or date manifest or shipping paper.	\$500
---------------	--	-------

§264.71(b)(2)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy of manifest or shipping paper.	\$500
---------------	--	-------

§264.71(b)(3)	Failure of facility owner or operator	\$500
---------------	---------------------------------------	-------

	receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper or to forward one copy to the Department.	
§264.71(b)(4)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.	\$500
§264.71(b)(5)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for three years.	\$500
§264.72(b)	Failure of facility owner or operator to reconcile a significant manifest discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.	\$1,000
§264.73	Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R. §264.73.	\$3,000
§264.74(a)	Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.	\$5,000
§264.74(b)	Failure of facility owner or operator to keep any record during course of any unresolved enforcement action or as requested by the Department.	\$2,000
§264.74(c)	Failure of facility owner or operator to submit copy of waste disposal locations and/or quantities to Department and/or local land authority upon closure of facility.	\$5,000

§264.75	Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.	\$3,000
§264.76	Failure of facility owner or operator receiving unmanifested waste to submit an “Unmanifested Waste Report” within 15 days.	Matrix
(40 C.F.R. Part 264. Subpart F-Releases From Solid Waste Management Units)		
§264.92	Failure of facility owner or operator to comply with permit conditions designed to protect ground water.	Matrix
§264.95	Failure of facility owner or operator , to conduct ground water monitoring at the point of compliance as specified in the facility permit.	Matrix
§264.96	Failure of facility owner or operator to maintain a compliance monitoring program for the life of the compliance period as specified in the facility permit.	Matrix
§264.97	Failure of facility owner or operator to provide facility with ground water monitoring system in accordance with 40 C.F.R. §264.97.	\$10,000
§264.98	Failure of facility owner or operator to establish a detection monitoring program in conformance with 40 C.F.R. §264.98.	Matrix
§264.145	Failure of facility owner or operator to establish financial assurance for post-closure care of facility.	\$5,000
§264.147(a)	Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.	\$5,000
§264.147(b)	Failure of facility owner or operator	\$5,000

	to meet the liability requirements for nonsudden occurrences.	
§264.148(a)	Failure of facility owner or operator or guarantor to notify Department of commencement of proceeding under Title 11 of the Bankruptcy Code.	\$10,000
§264.148(6)	Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation of the issuer.	\$5,000
(40 C.F.R. Part 264 Subpart I-Use and Management of Containers)		
§264.171	Failure of facility owner of operator to handle hazardous waste in containers of good condition.	\$2,000
§264.172	Failure of facility owner or operator to use container compatible with hazardous waste stored.	\$2,000
§264.173	Failure of facility owner or operator to comply with the requirements for the management of containers.	\$1,000
§264.174	Failure of facility owner of operator to perform inspection of each area where containers are stored.	\$3,000
§264.175(b)(1)	Failure of container storage area to have an underlying base free of cracks or gaps and sufficiently impervious to contain leak, spills and accumulated precipitation until collected material is detected and removed.	\$1,000
§264.175(b)(2)	Failure of container storage area to be sloped or designed and operated to drain and remove liquids, unless containers are protected from contact with accumulated liquids.	\$1,000
§264.175(b)(3)	Failure of container storage area to have capacity to contain 10 percent of	\$2,000

	volume of all containers or volume of largest container, whichever is greater.	
§264.175(b)(4)	Failure of container storage area to be protected from run-on, unless in compliance with exceptions at 40 C.F.R. §264.175(b)(4).	\$1,000
§264.175(b)(5)	Failure of facility owner or operator to remove spilled or leaked waste or accumulated precipitation from sump or collection area in a timely manner to prevent overflow.	\$1,000
§264.176	Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.	\$1,000
§264.177	Failure of facility owner or operator to comply with each of the special requirements for incompatible wastes.	\$2,000
§264.178	Failure of facility owner or operator to remove all hazardous wastes and residues from containment system at closure or to remove or decontaminate remaining containers, liners, bases, and soil containing or contaminated with hazardous waste.	\$5,000
§264.179	Failure of facility owner or operator to comply with 40 C.F.R. §264, Subparts AA, BB, and CC.	Matrix
(40 C.F.R. Part 264 Subpart J-Tank Systems)		
§264.191(a)	Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.	Matrix
§264.191(b)	Failure of written assessment to comply with the requirements at 40 C.F.R. §264.191(b).	\$5,000

§264.191(c)	Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.	Matrix
§264.192(b)	Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer prior to covering, enclosing, or placing in use.	Matrix
§264.192(c)	Failure of facility owner or operator of a new tank system or components to use appropriate backfill material.	Matrix
§264.192(d)	Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing, or placing in use.	Matrix
§264.192(e)	Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.	Matrix
§264.192(f)	Failure of facility owner or operator to provide proper corrosion protection for new tank systems.	Matrix
§264.192(g)	Failure of facility owner or operator to obtain and keep on record . certifications from those professionals responsible for tank system design and installation.	Matrix
§264.193(a)	Failure of facility owner or operator to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. §264.193(a).	Matrix
§264.193(b)(1)	Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.	\$3,000

§264.193(b)(2)	Failure of secondary containment system to detect and collect releases and accumulated liquids.	Matrix
§264.193(c)(1)	Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.	\$2,000
§264.193(c)(2)	Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.	Matrix
§264.193(c)(3)	Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structures) or the presence of a release.	Matrix
§264.193(c)(4)	Failure of facility owner or operator to remove accumulated precipitation or spilled or leaked waste from secondary containment within 24 hours.	\$1,000
§264.193(d)	Failure of facility owner or operator to provide secondary containment featuring an approved device.	Matrix
§264.193(e)(1)	Failure of external liner system to meet requirements at 40 C.F.R. §264.193(e)(1).	\$1,000
§264.193(e)(2)	Failure of vault system to meet requirements at 40 C.F.R. §264.193(e)(2).	\$1,000
§264.193(e)(3)	Failure of double-walled tank to meet requirements at 40 C.F.R. §264.193(e)(3).	\$1,000
§264.193(f)	Failure of facility owner or operator to provide secondary containment for	Matrix

	ancillary equipment.	
§264.194(a)	Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000
§264.194(b)	Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.	\$500
§264.195(a)	Failure of facility owner or operator to develop and follow a schedule and procedure for inspecting overflow controls.	\$500
§264.195(b)(1)	Failure of facility owner or operator to inspect aboveground portions of a tank system for corrosion or releases of waste each operating day.	\$1,000
§264.195(b)(2)	Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.	\$500
§264.195(b)(3)	Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system or secondary system for erosion or signs of releases.	\$500
§264.195(c)	Failure of facility owner or operator to inspect cathodic protection systems.	Matrix
§264.195(d)	Failure of facility owner or operator to document inspections in facility operating record.	Matrix
§264.196(a)	Failure of facility owner or operator to cease using a tank from which a	Matrix

	release occurred or which is unfit for use.	
§264.196(b)	Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.	Matrix
§264.196(c)	Failure of facility owner or operator to prevent further migration of a release to soils or water or to remove and dispose of any visible contamination of soil or water.	Matrix
§264.196(d)	Failure of facility owner or operator to report a release within 24 hours or to submit a spill report within 30 days.	Matrix
§264.196(e)	Failure of facility owner or operator to comply with 40 C.F.R §264.196(e)(2)-(4) prior to placing a tank back in service following a release.	Matrix
§264.196(f)	Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.	Matrix
§264.197(a)	Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.	\$5,000
§264.197(c)	Failure of facility owner or operator that has a tank system without secondary containment to comply with requirements at 40 C.F.R. §264.197(c).	Matrix
§264.198(a)	Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.	\$5,000

§264.198(b)	Failure of facility owner or operator storing or treating ignitable of reactive wastes in tanks to comply with NFPA's buffer zone requirements for tanks.	\$2,000
§264.199(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in the same tank, except in compliance with 40 C.F.R §264.17(b).	\$10,000
§264.199(b)	Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. §264.17(b).	\$5,000
§264.200	Failure of facility owner or operator to comply with 40 C.F.R. §264, Subparts AA, BB, and CC.	Matrix
(40 C.F.R. Part 264 Subpart K-Surface Impoundments)		
§264.221(a)	Failure of surface impoundment to have lines designed, constructed, and installed to prevent migration of waste during active life of impoundment.	\$10,000
§264.221(a)(1)	Failure of liner to have properties that prevent failure due to pressure gradients, contact with waste, climatic conditions, and stress of installation and operation.	\$10,000
§264.221(a)(2)	Failure of facility owner or operator to place lower liner on foundation capable of providing support.	\$10,000
§264.221(a)(3)	Failure of surface impoundment to have the liner installed to cover all surrounding earth likely to be in contact with the waste or leachate.	\$10,000

§264.221(c) (1)(i)(A)	Failure of top liner to be designed and constructed to prevent migration of hazardous constituents into liner during active life and post closure care period.	\$5,000
§264.221(c) (1)(i)(B)	Failure of bottom liner to consist of at least three feet of soil of specified hydraulic conductivity.	\$5,000
§264.221(c)(2)	Failure of surface impoundment to have leachate collection system between liners.	\$10,000
§264.221(c)(4)	Failure of facility owner or operator to demonstrate that the seasonal high water table will not adversely affect the leak detection system.	\$10,000
§264.223	Failure of facility owner or operator that stores hazardous waste in a surface impoundment to have an approved response action plan.	Matrix
§264.226(a)	Failure to comply with inspection requirements for surface impoundment during and immediately after construction.	\$3,000
§264.226(b)	Failure to comply with inspection requirements during operation of surface impoundment.	\$3,000
§264.226(c)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to obtain a professional engineer's certification that the dike has structural integrity.	Matrix
§264.226(d)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to record the amount of liquids removed from each leak detection sump.	Matrix
§264.227(a)	Failure of facility owner or operator to remove surface impoundment from	\$10,000

	service if liquid level suddenly drops or if dike leaks.	
§264.227(b)	Failure of facility owner or operator to comply with requirements necessary when surface impoundment is removed from service.	\$10,000
§264.227(c)	Failure of facility owner or operator to have requirements for surface impoundment in contingency plan.	\$1,000
264.227(d)	Failure of facility owner or operator to comply with requirements for placing surface impoundment back into service.	\$5,000
§264.227(e)	Failure of facility owner or operator to close surface impoundment that has been removed from service and is not being repaired.	\$5,000
§264.228(a)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to properly close and provide post-closure care following closure.	Matrix
§264.228(b)	Failure of facility owner or operator to comply with maintenance and monitoring requirements during post closure of surface impoundment.	\$2,000
§264.229	Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.	\$5,000
§264.230	Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface impoundment.	\$10,000
§264.231(a)	Failure of facility owner or operator that stores hazardous waste in a surface impoundment to obtain an approved management plan prior to	Matrix

placing F020, F021, F023, F026 or F027 wastes in the surface impoundment.

§264.232 Failure of facility owner or operator to comply with 40 C.F.R. §264, Subparts BB and CC. Matrix

(40 C.F.R. Part 264 Subpart L-Waste Piles)

§264.251(a) Failure of facility owner or operator to ensure waste piles have a proper liner and leachate collection system. Matrix

§264.251(c) Failure of facility owner or operator to ensure waste piles have double liners and a leachate collection system both above and between the liners. Matrix

§264.251(g) Failure of facility owner or operator to have a run-on control system to prevent flow onto a waste pile from at least a 25-year storm. Matrix

§264.251(h) Failure of facility owner or operator to have a run-off management system to collect run-off from a waste pile from a 25-year storm. Matrix

§264.251(i) Failure of facility owner or operator to empty run-on and run-off holding facilities expeditiously following a storm. Matrix

§264.251(j) Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal. Matrix

§264.253 Failure of facility owner or operator to have an approved response action plan prior to utilizing a waste pile for hazardous waste storage. Matrix

§264.254(a) Failure of facility owner or operator to inspect liners to be used with waste piles during construction or installation. Matrix

§264.254(b)	Failure of facility owner or operator to inspect waste piles on a weekly basis and after storms.	Matrix
§264.254(c)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile.	Matrix
§264.256	Failure of facility owner or operator to ensure that ignitable or reactive wastes are not placed in waste piles.	Matrix
§264.257	Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles.	Matrix
§264.258	Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile.	Matrix
§264.259(a)	Failure of facility owner or operator to have an approved management plan prior to placing F020, F021, F022, F023, F026, or F027 waste in a waste pile.	Matrix

(40 C.F.R. Part 264 Subpart M-Land Treatment)

§264.271(a)	Failure of facility owner or operator conducting land treatment to have an established land treatment program meeting the requirements of 40 C.F.R. §264.21.	Matrix
§264.272(a)	Failure of facility owner or operator conducting land treatment to have demonstrated prior to application of the waste that hazardous constituents in the waste will be completely	Matrix

	degraded in the treatment zone.	
§264.272(c)	Failure of facility owner or operator conducting land treatment to ensure that all field tests and laboratory analysis conducted meet the standards of 40 C.F.R. §264.272(c).	Matrix
§264.273(a)	Failure of facility owner or operator to operate a land treatment unit in accordance with all design and operating conditions.	Matrix
§264.273(b)	Failure of facility owner or operator to minimize the run-off of hazardous constituents from the treatment zone.	Matrix
§264.273(c)	Failure of facility owner or operator utilizing land treatment to have a run on control system capable of preventing flow into the treatment zone during a 25-year storm.	Matrix
§264.273(d)	Failure of facility owner or operator utilizing land treatment to have a run off management system capable of collecting and controlling flow during a 25-year storm.	Matrix
§264.273(e)	Failure of facility owner or operator utilizing land treatment to empty run on and run-off holding facilities expeditiously following a storm.	Matrix
§264.273(f)	Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.	Matrix
§264.273(g)	Failure of facility owner or operator to conduct weekly inspections of the land treatment unit.	Matrix
§264.276	Failure of facility owner or operator to comply with 40 C.F.R. §264.276 when growing food-chain crops on or in the treatment zone.	Matrix

§264.278	Failure of facility owner or operator to implement an unsaturated zone monitoring program in conformance with 40 C.F.R. §264.178 and make appropriate notifications if there is an increase in hazardous constituents below the treatment zone.	Matrix
§264.279	Failure of facility owner or operator to include application dates and rates to the operating record.	Matrix
§264.280(a)	Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the closure period.	Matrix
§264.280(b)	Failure of facility owner or operator to submit a soil scientist's certification upon closure of the facility.	Matrix
§264.280(c)	Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the post-closure period.	Matrix
§264.281	Failure of facility owner or operator to ensure that ignitable or reactive waste are not placed in the land treatment zone.	Matrix
§264.282	Failure of facility owner or operator to ensure that incompatible wastes are not placed in the same land treatment zone.	Matrix
§264.283(a)	Failure of facility owner or operator to obtain an approved management plan prior to placing F020, F021, F023, F026 or F027 wastes in a land treatment unit.	Matrix
(40 C.F.R Part 264 Subpart N-Landfills)		
§264.301(a)	Failure of facility owner or operator	\$2,000

	hazardous waste landfill to have a liner system as required by 40 C.F.R. 64.301(a).	
§264.301(c)	Failure of facility owner or operator of new hazardous waste landfill to have a liner system as required by 40 C.F.R. §264.301(c).	\$2,000
§264.301(g)	Failure of owner or operator of hazardous waste landfill to manage run-on system.	\$2,000
§264.301(h)	Failure of owner or operator of hazardous waste landfill to manage run-off system.	\$2,000
§264.301(i)	Failure of facility owner or operator of hazardous waste landfill to empty or manage system after storm.	\$2,000
§264.301(j)	Failure of facility owner or operator of a hazardous waste landfill to control wind dispersion of particulate matter.	\$2,000
§264.303	Failure of facility owner or operator to meet inspection requirements for hazardous waste landfill.	\$3,000
§264.303(c)(1)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.	Matrix
§264.303(c)(2)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump in accordance with 40 C.F.R. §264.303(c)(2) following the closure period of a hazardous waste landfill.	Matrix
§264.304	Failure of facility owner or operator that stores hazardous waste in a landfill unit to have an approved	Matrix

response action plan.

§264.309(a)	Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.	\$2,000
§264.309(b)	Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.	\$2,000
§264.310(a)	Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.	\$5,000
§264.310(b)(1)	Failure of owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover necessary to correct the effects of settling, subsidence, erosion, or other events.	\$2,000
§264.310(b)(2)	Failure of facility owner or operator to continue to operate the leachate collection system until leachate is no longer detected.	Matrix
§264.310(b)(3)	Failure of facility owner or operator to maintain and monitor the leak detection system	\$2,000
§264.310(b)(4)	Failure of facility owner or operator to continue to maintain and monitor the ground water monitoring system after final closure.	Matrix
§264.310(b)(5)	Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.	\$2,000
§264.310(b)(6)	Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with	\$1,000

40 C.F.R. §264.309.

§264.312	Facility owner or operator of hazardous waste landfill placed ignitable or reactive waste in hazardous waste landfill.	\$10,000
§264.313	Facility owner or, operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.	\$10,000
§264.314(b)	Facility owner or operator placed bulk or non-containerized liquid hazardous waste in landfill.	\$10,000
§264.314(c)	Failure of facility owner or operator to ensure that liquid hazardous waste or hazardous wastes containing free liquids are not placed in landfill.	Matrix
§264.314(d)	Facility owner or operator placed containers holding free liquids in hazardous waste landfill.	\$5,000
§264.314(f)	Facility owner or operator placed liquid which is not a hazardous waste in hazardous waste landfill.	\$5,000
§264.315	Failure of facility owner or operator to comply with special requirements for containers being placed in a landfill.	\$2,000
§264.316(a)	Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.	\$2,000
§264.316(b)	Failure of metal outer container to be full after packing with inside containers and absorbent material.	\$2,000
§264.316(c)	Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with,	\$5,000

being decomposed by, or being ignited by the contents inside the containers in accordance with 40 C.F.R. §264.17(b).

§264.316(d)	Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.	\$5,000
§264.316(e)	Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.	\$5,000
§264.317	Failure of facility owner or operator of hazardous waste landfill to comply with special requirements for F020, F021, F022, F023, F026, and F027 wastes.	\$5,000

(40 C.P.R. Part 264 Subpart O-Incinerators)

§264.341(b)	Failure of facility owner or operator throughout normal operation of incinerator to conduct sufficient waste analyses to verify compliance with permit.	\$5,000
§264.344	Failure of facility owner or operator to operate a hazardous waste incinerator in compliance with the conditions at 40 C.F.R. §264.345 and the permit.	Matrix
§264.345(a)	Failure of facility owner or operator to operate incinerator in accordance with operating requirements of permit.	\$5,000
§264.345(c) \$10,000	Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.	

§264.345(d)(1)	Failure of facility owner or operation to keep combustion zone of incinerator totally sealed against fugitive emissions.	\$1,000
§264.345(d)(2)	Failure of facility owner or operator to maintain combustion zone of incinerator at lower than atmospheric pressure.	\$1,000
§264.345(d)(3)	Failure of facility owner or operator of incinerator to provide approved alternate means of control of fugitive emissions.	\$1,000
§264.345(e)	Failure of facility owner or operator to operate incinerator with automatic feed cut off.	\$3,000
§264.345(f)	Failure of facility owner or operator to cease operation of incinerator if change in waste feed or operating conditions exceed permit limits.	\$5,000
§264.347(a)(1)	Failure of facility owner or operator to monitor combustion temperature, waste feed rate, gas velocity continuously.	\$500
§264.347(a)(2)	Failure of facility owner or operator to monitor carbon monoxide continuously.	\$500
§264.347(a)(3)	Failure of facility owner or operator to conduct, upon request, sampling or analyses of waste or exhaust emissions.	\$1,000
§264.347(b)	Failure of facility owner or operator to thoroughly inspect incinerator or associated equipment at least daily.	\$3,000
§264.347(c)	Failure of facility owner or operator to test emergency waste feed cutoff controls or alarm systems weekly.	\$500
§264.347(d)	Failure of facility owner or operator	Matrix

to record all monitoring and inspection data in the facility's operating log.

§264.351	Failure of facility owner or operator to remove all hazardous waste and hazardous waste residues from incinerator site at closure.	\$5,000
----------	--	---------

(40 C.F.R. Part 264 Subpart W-Drip Pads)

§264.571	Failure of facility owner or operator operating an existing drip pad to evaluate the pad to determine if it meets the requirements of 40 C.F.R. §264, Subpart W.	Matrix
----------	--	--------

§264.573(a)	Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, termed, and of sufficient structural strength or to obtain an engineer's evaluation, recertified annually.	Matrix
-------------	--	--------

§264.573(b)(1)	Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.	Matrix
----------------	---	--------

§264.573(b)(2)	Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.	Matrix
----------------	---	--------

§264.573(b)(3)	Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad or to record in the facility's operating log the date and amount of leakage collected.	Matrix
----------------	--	--------

§264.573(c)	Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.	Matrix
-------------	--	--------

§264.573(d)	Failure of facility owner or operator to ensure drip pads are designed and	Matrix
-------------	--	--------

	operated to control and collect all hazardous waste drippage.	
§264.573(e)	Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm.	Matrix
§264.573(f)	Failure of facility owner or operator utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	Matrix
§264.573(g)	Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. §264.573(a)-(f).	Matrix
§264.573(h)	Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.	Matrix
§264.573(i)	Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire pad or to record in the facility's operating log the date and procedures for each cleaning.	Matrix
§264.573(j)	Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.	Matrix
§264.573(k)	Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.	Matrix
§264.573(l)	Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.	Matrix

§264.573(m)	Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R §264.573(m).	Matrix
§264.573(o)	Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.	Matrix
§264.574(a)	Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.	Matrix
§264.574(b)	Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.	Matrix
§264.575	Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.	Matrix

(40 C.F.R. Part 264 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

§264.1201(a)(1)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.	Matrix
§264.1201(a)(2)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.	Matrix
§264.1201(a)(3)	Failure of hazardous waste munitions and explosives storage unit, for wastes stored outside, to be designed and operated so that the waste and containers will not be in standing precipitation.	Matrix
§264.1201(a)(4)	Failure-of hazardous waste munitions	Matrix

and explosives storage unit, for liquid wastes, to be designed and operated to provide a secondary containment system that assures that any released liquids are contained, promptly detected, and removed.

§264.1201(a)(5)	Failure of hazardous waste munitions and explosives storage' unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.	Matrix
§264.1201(b)(1)	Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements at 40 C.F.R. §264.1201(b)(1).	Matrix
§264.1201(b)(2)	Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix
§264.1201(b)(3)	Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix
§264.1201(c)	Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.	Matrix
§264.1201(d)	Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.	Matrix
§264.1201(e)	Failure of hazardous waste munitions and explosives to be inventoried at least annually.	Matrix

§264.1201(f)	Failure of hazardous waste munitions and explosives and their storage units to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.	Matrix
--------------	---	--------

6. The violations of N.J.A.C. 7:26G-9, Interim Status Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

<u>Rule</u>	<u>Rule summary</u>	<u>Base penalty or Matrix</u>
(40 C.F.R. Part 265 Subpart B-General Facility Standards)		
§265.11	Failure of facility owner or operator to obtain EPA identification number.	\$5,000
§265.12(a)	Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least four weeks in advance of expected delivery.	\$5,000
§265.12(b)	Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of 40 C.F.R. §§265 and 270.	Matrix
§265.13(a)(1)	Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.	\$5,000
§265.13(a)(3)	Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.	\$1,000
§265.13(a)(4)	Failure of owner or operator of an off-site facility to inspect or analyze each	\$1,000

	hazardous waste shipment received to determine if it matches the identity specified on the manifest or shipping paper.	
§265.13(b)	Failure of facility owner or operator to develop or follow a written waste analysis plan.	\$5,000
§265.14(a)	Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.	Matrix
§265.14(b)	Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.	\$5,000
§265.14(c)	Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. §265.14(c).	\$500
§265.15(a)	Failure of facility owner or operator to inspect for malfunctions, deterioration, errors, or discharges.	\$3,000
§265.15 (b)	Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify problems.	\$3,000
§265.15 (c)	Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.	\$2,000
§265.15(d)	Failure of facility owner or operator to record inspections in log or to retain required information for three years.	\$300
§265.16(a)(1)	Failure of facility owner or operator to provide required classroom or on	\$2,000

	the-job training for facility personnel.	
§265.16(a)(2)	Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management procedures.	\$1,000
§265.16(a)(3)	Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.	\$1,000
§265.16(b)	Failure of facility personnel to successfully complete the training program required in 40 C.F.R. §265.16(a) within six months.	\$1,000
§265.16(c)	Failure of facility personnel to take part in an annual review of the initial training required in 40 C.F.R. §265.16(a).	\$500
§265.16(d)	Failure of facility owner or operator to maintain training records at the facility	\$500
§265.16(e)	Failure of facility owner or operator to keep training records until closure.	\$500
§265.17(a)	Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place "No Smoking" signs wherever there is a hazard from ignitable or reactive waste.	\$1,000
§265.17(b)	Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of incompatible wastes to take precautions to prevent reactions.	\$2,000

(40 C.F.R. Part 265 Subpart C-Preparedness and Prevention)

§265.31	Failure of facility owner or operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.	\$5,000
§265.32	Failure of facility owner or operator to equip facility with emergency	\$5,000
§265.33	Failure of facility owner or operator to test and maintain emergency equipment.	\$1,000
§265.34	Failure of facility owner or operator to maintain access to communications or alarm system.	\$1,000
§265.35	Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	\$1,000
§265.37	Failure of facility owner or operator 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.	\$5,000

(40 C.F.R Part 265 Subpart D-Contingency Plan and Emergency Procedures)

§265.51(a)	Failure of facility owner or operator to have a contingency plan designed to minimize hazards to human health and the environment.	\$5,000
§265.51(b)	Failure of facility owner or operator to carry out provisions of the plan immediately if there is a fire, explosion, or release.	\$10,000

§265.52(a)	Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.	\$1,000
§265.52(b)	Failure of facility owner or operator to amend its SPCC (40 C.F.R. Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7:1E) plan to incorporate hazardous waste management provisions.	\$1,000
§265.52(c)	Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	\$300
§265.52(d)	Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.	\$300
§265.52(e)	Failure of contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.	\$300
§265.52(f)	Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	\$300
§265.53	Failure of 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.	\$300
§265.54	Failure of facility owner or operator to review or amend contingency plan as necessary.	\$300
§265.55	Failure of emergency coordinator to be thoroughly familiar with plan or available at all times.	\$1,000
§265.56(a)-(b)	Failure of emergency coordinator to	\$2,000

identify character, source, amount or areal extent of discharged materials, to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.

§265.56(c)	Failure of emergency coordinator to assess possible hazards to human health and the environment.	\$1,000
§265.56(d)	Failure of emergency coordinator to immediately notify appropriate emergency response agency of situation threatening health and the environment.	\$5,000
§265.56(e)	Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.	\$5,000
§265.56(f)	Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.	\$5,000
§265.56(g)	Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.	\$1,000
§265.56(h)	Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.	\$1,000
§265.56(i)	Failure of facility owner or operator to notify Department and local authorities that facility is in compliance before operations are resumed.	\$1,000

§265.56(j)	Failure of facility owner or operator to submit written report to Department within 15 days after an incident.	\$500
(40 C.F.R. Part 265 Subpart E-Manifest System, Recordkeeping, and Reporting)		
§265.71(a)(1)	Failure of facility owner or operator to sign or date manifest.	\$2,000
§265.71(a)(2)	Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.	\$500
§265.71(a)(3)	Failure of facility owner or operator to give transporter a copy of manifest.	\$500
§265.71(a)(4)	Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.	\$500
§265.71(a)(5)	Failure of facility owner or operator to retain copy of manifest for three years.	\$500
§265.71(b)(1)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or date manifest or shipping paper.	\$500
§265.71(b)(2)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy of manifest or shipping paper.	\$500
§265.71(b)(3)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper.	\$500
§265.71(b)(4)	Failure of facility owner or operator	\$500

	receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.	
§265.71(b)(5)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for three years.	\$500
§265.72(b)	Failure of facility owner or operator to reconcile a significant discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.	\$1,000
§265.73	Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R. §265.73.	\$3,000
§265.74(a)	Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.	\$5,000
§265.74(b)	Failure of facility owner or operator to keep any record during the course of any unresolved enforcement action or as requested by the Department.	\$2,000
§265.74(c)	Failure of facility owner or operator to submit copy of waste disposal locations or quantities to Department or local land authority upon closure of facility.	\$5,000
§265.75	Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.	\$3,000
§265.76	Failure of facility owner or operator receiving unmanifested waste to	Matrix

submit an “Unmanifested Waste Report” within 15 days.

(40 C.F.R. Part 265 Subpart F-Ground-Water Monitoring)

§265.91	Failure of ground water monitoring system to meet the requirements of 40 C.F.R. §265.91.	Matrix
§265.92	Failure of facility owner or operator to develop and follow a ground water sampling and analysis plan in accordance with 40 C.F.R. §265.92.	Matrix
§265.93	Failure of facility owner or operator to prepare an outline of a more comprehensive ground water monitoring program in accordance with 40 C.F.R. §265.93.	Matrix
§265.94	Failure of facility owner or operator to maintain records of ground water monitoring information or to report the information to the Department.	Matrix

(40 C.F.R. Part 265 Subpart G-Closure and Post-Closure)

§265.111	Failure of facility owner or operator to close in a manner that minimizes further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste.	\$10,000
§265.112(a)	Failure of facility owner or operator to have written closure plan.	\$5,000
§265.112(b)	Failure of facility owner or operator to include in the closure plan all steps necessary to perform a partial and/or final closure of the facility.	Matrix
§265.112(c)	Failure of facility owner or operator to amend or request modification of closure plan before change.	\$1,000
§265.112(d)	Failure of facility owner or operator to notify Department prior to commencement of closure.	\$2,000

§265.113(a)	Failure of facility owner or operator to treat, remove, or dispose of waste within 90 days after final volume of wastes received in accordance with approved closure plan.	\$2,000
§265.113(b)	Failure of facility owner or operator to complete closure within 180 days after final volume of wastes received in accordance with approved closure plan.	\$2,000
§265.114	Failure of facility owner or operator to properly dispose of or decontaminate all contaminated equipment, structures, or soils.	\$5,000
§265.115	Failure of facility owner or operator, when closure completed, to submit its own certification or that of an independent registered professional engineer to the Department.	\$2,000
§265.116	Failure of facility owner or operator, within 60 days after closure, to submit to local authorities and Department detailed information on site.	\$2,000
§265.117(a)	Failure of facility owner or operator to continue proper post-closure care for 30 years and to comply with 30 C.F.R. §265.117(a)(1)-(2).	\$5,000
§265.117(c)	Failure of facility owner or operator to ensure that post-closure activity does not disturb final cover, liner(s), or containment or monitoring system.	\$2,000
§265.117(d)	Failure of facility owner or operator to perform post-closure care activities in accordance with post-closure plan.	\$5,000
§265.118(a)	Failure of facility owner or operator to have written post-closure plan.	\$5,000
§265.118(b)	Failure of facility owner or operator	\$1,000

to furnish the most current copy of post-closure plan to the Department upon request or to keep a copy of the post-closure plan with the person or office specified in 40 C.F.R. §265.118(c)(3) during the post closure period.

§265.118(c)	Failure of facility owner or operator to include in post-closure plan all activities that will be carried on after closure of each disposal unit and the frequency of these activities.	Matrix
§265.118(d)	Failure of facility owner or operator to amend or request modification of post-closure plan when necessary.	\$1,000
§265.119(a)	Failure of facility owner or operator to inform the local zoning officer and the Department of the type, location, and amount of waste in each disposal unit within 60 days of receiving a certification of closure for that unit.	Matrix
§265.119(b)	Failure of facility owner or operator to comply with requirements for notice in deed to property.	\$1,000
§265.120	Failure of facility owner or operator to certify that post-closure activities have been conducted according to the post-closure plan within 60 days of completion of the established post closure care period.	Matrix

(40 C.F.R. Part 265 Subpart H-Financial Requirements)

§265.142(a)	Failure of facility owner or operator to have a written estimate of the cost of closing facility.	\$2,000
§265.142(b)	Failure of facility owner or operator to adjust closure cost estimate for inflation according to regulatory time frames.	\$1,000

§265.142(c)	Failure of facility owner or operator to revise the closure cost estimate whenever a change in the closure plan increases the cost of closure.	\$1,000
§265.142(d)	Failure of facility owner or operator to keep the latest closure cost estimate and adjusted closure cost estimate at the facility.	\$1,000
§265.143	Failure of facility owner or operator to establish financial assurance for closure of facility.	\$5,000
§265.144(a)	Failure of facility owner or operator to have a written estimate of the cost of post-closure care.	\$2,000
§265.144(b)	Failure of facility owner or operator to adjust cost estimate of post-closure care for inflation according to regulatory time frames.	\$1,000
§265.144(c)	Failure of facility owner or operator to revise the post-closure care cost estimate whenever a change in the post-closure plan increases the cost of post-closure care.	\$1,000
§265.144(d)	Failure of facility owner or operator to keep the latest post-closure care cost estimate at the facility.	\$1,000
§265.145	Failure of facility owner or operator to establish financial assurance for post-closure care of facility.	\$5,000
§265.147(a)	Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.	\$5,000
§265.147(b)	Failure of facility owner or operator to meet the liability requirements for nonsudden occurrences.	\$5,000
§265.148(a)	Failure of facility owner or operator or guarantor to notify Department of	\$10,000

commencement of proceeding under Title 11 of the Bankruptcy Code.

§265.148(b)	Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation.	\$5,000
-------------	--	---------

(40 C.F.R. Part 265 Subpart I-Use and Management of Containers)

§265.171	Failure of facility owner or operator to handle hazardous waste in containers of good condition.	\$2,000
----------	--	---------

§265.172	Failure of facility owner or operator to use container compatible with hazardous waste stored.	\$2,000
----------	--	---------

§265.173	Failure of facility owner or operator to comply with requirements for the management of containers.	\$1,000
----------	---	---------

§265.174	Failure of facility owner or operator to perform inspection of each area where containers are stored.	\$3,000
----------	---	---------

§265.176	Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.	\$1,000
----------	---	---------

§265.177	Failure of facility owner or operator to comply with each of the special requirements for incompatible wastes.	\$2,000
----------	--	---------

§265.178	Failure of facility owner or operator to comply with 40 C.F.R §265, Subparts AA, BB, and CC.	Matrix
----------	--	--------

(40 C.F.R. Part 265 Subpart J-Tank Systems)

§265.191(a)	Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.	Matrix
-------------	---	--------

§265.191(b)	Failure of written assessment to comply with the requirements at 40 C.F.R. §265.191(b).	\$5,000
§265.191(c)	Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.	Matrix
§265.192(a)	Failure of facility owner or operator to have written assessment by a professional engineer attesting that the system has sufficient structural strength.	\$5,000
§265.192(b)	Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer for damage prior to covering, enclosing or placing in use.	Matrix
§265.192(c)	Failure of facility owner or operator of new tank system or components to use appropriate backfill material.	Matrix
§265.192(d)	Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing or placing in use.	Matrix
§265.192(e)	Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.	Matrix
§265.192(f)	Failure of facility owner or operator to provide proper corrosion protection for new tank systems.	Matrix
§265.192(g)	Failure of facility owner or operator to obtain and keep on record certifications from those professionals responsible for tank system design and installation.	Matrix
§265.193(a)	Failure of facility owner or operator	Matrix

	to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. §265.193(a).	
§265.193(b)(1)	Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.	\$3,000
§265.193(b)(2)	Failure of secondary containment system to detect and collect releases and accumulated liquids.	Matrix
§265.193(c)(1)	Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.	\$2,000
§265.193(c)(2)	Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.	Matrix
§265.193(c)(3)	Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structure(s) or the presence of a release.	Matrix
§265.193(c)(4)	Failure of facility owner or operator to remove accumulated precipitation or spilled or leaked waste from secondary containment within 24 hours.	\$1,000
§265.193(d)	Failure of facility owner or operator to provide secondary containment featuring an approved device.	Matrix
§265.193(e)(1)	Failure of external liner system to meet requirements at 40 C.F.R. §265.193(e)(1).	\$1,000

§265.193(e)(2)	Failure of vault system to meet requirements at 265.193(e)(2).	\$1,000
§265.193(e)(3)	Failure of double-walled tank to meet requirements at 265.193(e)(3).	\$1,000
§265.193(f)	Failure of facility owner or operator to provide secondary containment for ancillary equipment.	Matrix
§265.194(a)	Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000
§265.194(b)	Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.	\$500
§265.195(a)(1)	Failure of facility owner or operator to inspect overfill/spill control equipment each operating day.	\$500
§265.195(a)(2)	Failure of facility owner or operator to inspect aboveground portions of tank system for corrosion or releases of waste each operating day.	\$1,000
§265.195(a)(3)	Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.	\$500
§265.195(a)(4)	Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system for erosion or signs of releases each operating day.	\$500
§265.195(b)	Failure of facility owner or operator to inspect cathodic protection systems.	Matrix

§265.195(c)	Failure of facility owner or operator to document inspections in facility operating record.	Matrix
§265.196(a)	Failure of facility owner or operator to cease using a tank from which a release occurred or which is unfit for use.	Matrix
§265.196(b)	Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.	Matrix
§265.196 (c)	Failure of facility owner or operator to prevent further migration of the release to soils or water or to remove and dispose of any visible contamination of soil or water.	Matrix
§265.196(d)	Failure of facility owner or operator to report a release within 24 hours or to submit a spill report within 30 days.	Matrix
§265.196(e)	Failure of facility owner or operator to comply with 40 C.F.R. §265.196(e)(2)-(4) prior to placing a tank back in service following a release.	Matrix
§265.196(f)	Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.	Matrix
§265.197(a)	Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.	\$5,000
§265.197(c)	Failure of facility owner or operator that has a tank system without secondary containment to comply	Matrix

	with requirements at 40 C.F.R. §265.197(c).	
§265.198(a)	Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.	\$5,000
§265.198(b)	Failure of facility owner or operator storing or treating ignitable or reactive wastes in tanks to comply with NFPA's buffer zone requirements for tanks.	\$2,000
§265.199(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. §265.17(b).	\$10,000
§265.199(b)	Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which is not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. §265.17(b).	\$5,000
§265.200	Failure of facility owner or operator utilizing a tank system to conduct waste analysis and trial treatment or storage tests before treating/storing different waste or using a different process.	Matrix
§265.201(b)(2)	Failure of small quantity generator to prevent hazardous waste or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000
§265.201(b)(3)	Failure of small quantity generator to maintain at least two feet of freeboard for uncovered tanks.	\$500

§265.201(b)(4)	Failure of small quantity generator utilizing tank storage featuring a continuous feed to install a means to stop this inflow.	Matrix
§265.201(c)(1)	Failure of small quantity generator to inspect discharge control equipment each operating day.	Matrix
§265.201(c)(2)	Failure of small quantity generator to inspect data gathered from monitoring equipment each operating day.	\$500
§265.201(c)(3)	Failure of small quantity generator to inspect level of waste in tank each operating day.	\$500
§265.201(c)(4)	Failure of small quantity generator to inspect construction materials weekly.	\$500
§265.201(c)(5)	Failure of small quantity generator to inspect the construction materials of, and the area immediately surrounding, discharge confinement structures weekly.	\$500
§265.201(d)	Failure of small quantity generator at closure to remove all waste from tanks, discharge control equipment, and discharge confinement structures.	\$5,000
§265.201(e)(1)	Failure of small quantity generator to meet specific requirements before placing ignitable or reactive waste in a tank.	\$5,000
§265.201(e)(2)	Failure of small quantity generator storing or treating ignitable or reactive waste in a tank to comply with NFPA's buffer zone requirements for tanks.	\$2,000
§265.201(f)(1)	Failure of small quantity generator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. §265.17(b).	\$10,000

§265.201(f)(2)	Failure of small quantity generator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. §265.17(b).	\$5,000
§265.202	Failure of facility owner or operator to comply with §265, Subparts AA, BB, and CC.	Matrix
(40 C.F.R. Part 265 Subpart K-Surface Impoundments)		
§265.221(a)	Failure of facility owner or operator utilizing surface impoundments to install two or more liners and a leachate collection system.	Matrix
§265.221(f)	Failure of facility owner or operator utilizing surface impoundments to maintain sufficient freeboard to prevent overtopping of the dike by overfilling, wave action, or a storm.	Matrix
§265.223	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to have an approved response action plan.	Matrix
§265.225	Failure of facility owner or operator utilizing a surface impoundment to conduct waste analysis and trial treatment tests before treating different waste or using a different process.	Matrix
§265.226	Failure of facility owner or operator to comply with monitoring and inspection requirements of surface impoundments.	\$3,000
§265.228(a)	Failure of facility owner or operator to ensure that all waste residues have been removed, all containment systems and subs oils have been	Matrix

	decontaminated and managed as hazardous waste, and provide post closure care for a landfill when closing a surface impoundment.	
§265.228(b)	Failure of facility owner or operator to comply with maintenance and monitoring requirements during post closure of surface impoundments.	\$2,000
§265.229	Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.	\$5,000
§265.230	Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface impoundment.	\$10,000
§265.231	Failure of facility owner or operator to comply with 40 C.F.R. §265, Subparts BB and CC.	Matrix
(40 C.F.R. Part 265 Subpart L-Waste Piles)		
§265.251	Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal.	Matrix
§265.252	Failure of facility owner or operator to conduct a waste analysis of each incoming waste movement prior to adding the waste to a waste pile.	Matrix
§265.253	Failure of facility owner or operator storing waste in piles to provide proper leachate, run-off, and run-on controls.	Matrix
§265.254	Failure of facility owner or operator utilizing waste piles to install two or more liners and a leachate collection system both above and between the liners.	Matrix
§265.256	Failure of facility owner or operator	Matrix

to ensure that ignitable or reactive wastes are not placed in waste piles or are managed in such a way as to protect it from any conditions that may make it ignite or react.

§265.257 Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles. Matrix

§265.258 Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile. Matrix

§265.259 Failure of facility owner or operator who stores hazardous waste in a waste pile to have an approved response action plan. Matrix

§265.260 Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile. Matrix

(40 C.F.R. Part 265 Subpart M-Land Treatment)

§265.272(a) Failure of facility owner or operator conducting land treatment to ensure that the hazardous constituents in the waste will be made less hazardous or nonhazardous by the processes occurring in the treatment zone. Matrix

§265.272(b) Failure of facility owner or operator utilizing land treatment to have a run on control system capable of preventing flow into the treatment zone during a 25-year storm. Matrix

§265.272(c) Failure of facility owner or operator utilizing land treatment to have a run Matrix

	off management system capable of collecting and controlling flow during a 25-year storm.	
§265.272(d)	Failure of facility owner or operator utilizing land treatment to empty run on and run-off holding facilities expeditiously following a storm	Matrix
§265.272(e)	Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.	Matrix
§265.273	Failure of facility owner or operator conducting land treatment to ensure that all wastes to be placed in the treatment zone are analyzed to determine if they meet the standards of 40 CFR §265.273.	Matrix
§265.276	Failure of facility owner or operator to comply with 40 C.F.R §265.276 when growing food-chain crops on or in the treatment zone.	Matrix
(40 C.F.R. Part 265 Subpart N-Landfills)		
§265.301(b)	Failure of facility owner or operator to make appropriate notifications prior to accepting hazardous waste for storage in a landfill unit.	Matrix
§265.301(f)	Failure of facility owner or operator of hazardous waste landfill to manage run-on system.	\$2,000
§265.301(g)	Failure of facility owner or operator of hazardous waste landfill to manage run-off system.	\$2,000
§265.301(h)	Failure of facility owner or operator of hazardous waste landfill to empty or manage run-on/run-off systems after storm.	\$2,000
§265.301(i)	Failure of facility owner or operator	Matrix

who landfills hazardous waste to manage the landfill in a manner to control wind dispersal of hazardous waste.

§265.304(a)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.	Matrix
§265.304(b)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection C.F.R. §265.304(b) following the closure period of a hazardous waste landfill.	Matrix
§265.309(a)	Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.	\$2,000
§265.309(b)	Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.	\$2,000
§265.310(a)	Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.	\$5,000
§265.310(b)(1)	Failure of facility owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events.	\$2,000
§265.310(b)(2)	Failure of facility owner or operator to maintain and monitor the leak detection system.	\$2,000
§265.310(b)(3)	Failure of facility owner or operator	Matrix

	who landfills hazardous waste to comply with all ground water monitoring, sampling, and reporting requirements.	
§265.310(b)(4)	Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.	\$2,000
§265.310(b)(5)	Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with §265.309.	\$1,000
§265.312(a)	Facility owner or operator of hazardous waste landfill placed ignitable or reactive wastes in a hazardous waste landfill.	\$10,000
§265.312(b)	Failure of facility owner or operator to comply with special handling instructions for the placement of ignitable wastes in landfill units.	Matrix
§265.313	Facility owner or operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.	\$10,000
§265.314(b)	Facility owner or operator placed bulk or non-containerized liquids in landfill.	\$10,000
§265.314(c)	Facility owner or operator placed containerized liquids in hazardous waste landfill.	\$5,000
§265.314(d)	Failure of facility owner or operator to utilize an approved testing method to determine if a waste to be placed in a hazardous waste landfill contains free liquids.	Matrix
§265.315	Failure of facility owner or operator to comply with special requirements for containers.	\$2,000

§265.316(a)	Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.	\$2,000
§265.316(b)	Failure of metal outer container to be full after packing with inside containers and absorbent material.	\$2,000
§265.316(c)	Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with, being decomposed by, or being ignited by the contents inside the containers.	\$5,000
§265.316(d)	Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.	\$5,000
§265.316(e)	Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.	\$5,000

(40 C.F.R. Part 265 Subpart O-Incinerators)

§265.341	Failure of facility owner or operator to sufficiently analyze waste not previously burned.	\$5,000
§265.345 \$10,000	Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.	
§265.347(a)	Failure-of facility owner or operator of incinerator to conduct monitoring of combustion and emission control instruments at least every 15 minutes or to make appropriate corrections immediately	\$500

§265.347(b)	Failure of facility owner or operator to completely inspect incinerator or associated equipment at least daily.	\$3,000
§265.351	Failure of facility owner or operator to remove all hazardous wastes and hazardous waste residues from the incinerator at closure.	\$5,000
(40 C.F.R. Part 265 Subpart P-Thermal Treatment)		
§265.373	Failure of facility owner or operator to bring thermal treatment process to normal operating conditions before adding hazardous waste.	\$10,000
§265.375	Failure of facility owner or operator to sufficiently analyze waste not previously treated.	\$5,000
§265.377(a)(1)	Failure of facility owner or operator when thermally treating hazardous waste to monitor instruments relating to temperature and emission control at least every 15 minutes.	\$500
§265.377(a)(2)	Failure of facility owner or operator when thermally treating hazardous waste to observe stack plume at least hourly.	\$500
§265.377(a)(3)	Failure of facility owner or operator when thermally treating hazardous waste to inspect process and associated equipment for leaks, spills, etc. at least daily.	\$3,000
§265.381	Failure of facility owner or operator at closure to remove all hazardous waste and residues from thermal treatment process.	\$5,000
§265.382	Failure of facility owner or operator to prevent the open burning of any hazardous waste or the open burning and detonation of waste explosives	\$10,000

too close to property line.

(40 C.F.R. Part 265 Subpart Q-Chemical, Physical, and Biological Treatment)

§265.401(b)	Failure of facility owner or operator to prevent placing of hazardous wastes in treatment process if they could cause process to leak, corrode, or fail.	\$5,000
§265.401(c)	Failure of facility owner or operator to provide continuously fed treatment process with a mechanism to stop inflow.	\$3,000
§265.402(a)	Failure of facility owner or operator to conduct waste analysis and trial treatment tests before treating different waste or using a different process.	\$5,000
§265.403(a)(1)	Failure of facility owner or operator to inspect discharge control and safety equipment at least once each operating day.	\$750
§265.403(a)(2)	Failure of facility owner or operator to inspect data from monitoring equipment at least once each operating day.	\$750
§265.403(a)(3)	Failure of facility owner or operator to inspect construction materials at least weekly.	\$750
§265.403(a)(4)	Failure of facility owner or operator to monitor and inspect discharge confinement structures for erosion or leakage at least weekly.	\$750
§265.404	Failure of facility owner or operator to remove all hazardous waste and residues at closure.	\$5,000
§265.405	Failure of facility owner or operator to prevent placing ignitable or reactive waste in treatment process	\$10,000

unless it is treated accordingly.

§265.406(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes in the treatment process.	\$10,000
-------------	---	----------

§265.406(b)	Failure of facility owner or operator to prevent the placing of hazardous waste in unwashed treatment equipment which previously held incompatible waste or material.	\$5,000
-------------	---	---------

(40 C.F.R. Part 265 Subpart W-Drip Pads)

§265.443(a)	Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, bermed, and of sufficient structural strength or to obtain an engineer's evaluation, recertified annually.	Matrix
-------------	--	--------

§265.443(b)(1)	Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.	Matrix
----------------	---	--------

§265.443(b)(2)	Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.	Matrix
----------------	---	--------

§265.443(b)(3)	Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad or to record in the facility's operating log the date and amount of leakage collected.	Matrix
----------------	--	--------

§265.443(c)	Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.	Matrix
-------------	--	--------

§265.443(d)	Failure of facility owner or operator to ensure drip pads are designed and operated to control and collect all hazardous waste drippage.	Matrix
-------------	--	--------

§265.443(e)	Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm. utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	Matrix Matrix
§265.443(g)	Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. §265.443.	Matrix
§265.443(h)	Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.	Matrix
§265.443(i)	Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire pad or to record in the facility's operating log the date and procedures for each cleaning.	Matrix
§265.443(j)	Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.	Matrix
§265.443(k)	Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.	Matrix
§265.443(l)	Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.	Matrix
§265.443(m)	Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R. §265.443(m).	Matrix

§265.443(n)	Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.	Matrix
§265.444(a)	Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.	Matrix
§265.444(b)	Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.	Matrix
§265.445	Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.	Matrix

(40 C.F.R. Part 265 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

§265.1201(a)(1)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.	Matrix
§265.1201(a)(2)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.	Matrix
§265.1201(a)(3)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that the waste and containers will not be in standing precipitation, for wastes stored outdoors.	Matrix
§265.1201(a)(4)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that any released liquids are contained, promptly detected, and removed (for liquid wastes).	Matrix

§265.1201(a)(5)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.	Matrix
§265.1201(b)(1)	Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements of 40 C.F.R. §265.1201(b)(1).	Matrix
§265.1201(b)(2)	Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix
§265.1201(b)(3)	Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix
§265.1201(c)	Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.	Matrix
§265.1201(d)	Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.	Matrix
§265.1201(e)	Failure of hazardous waste munitions and explosives to be inventoried at least annually.	Matrix
§265.1201(f)	Failure of hazardous waste munitions and explosives and their storage units, to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.	Matrix

7. The violations of N.J.A.C. 7:26G-10, Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule summary	Base Penalty or Matrix
(40 C.F.R. Part 266 Subpart C-Recyclable Materials Used in a Manner Constituting Disposal)		
§266.23(b)	Failure of facility owner or operator to ensure hazardous waste or dioxin contaminated waste is not used for dust suppression or road treatment.	Matrix
(40 C.F.R. Part 266 Subpart F-Recyclable Materials Utilized for Precious Metal Recovery)		
§266.70(c)	Failure to maintain required records of hazardous wastes to be reclaimed for precious metals content.	Matrix
(40 C.F.R. Part 266 Subpart H-Hazardous Waste Burned in Boilers and Industrial Furnaces)		
§266.102	Failure of facility owner or operator who is burning hazardous wastes in boilers or industrial furnaces to meet the requirements of 40 C.F.R. §266.102 and the facility permit.	Matrix
§266.103	Failure of facility owner or operator with an existing boiler or industrial furnace who is burning hazardous waste on an interim basis to meet the requirements of 40 C.F.R. §266.103.	Matrix
§266.104	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required destruction and removal efficiency standard.	Matrix

§266.105	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for emitted particulate matter.	Matrix
§266.106	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for metal emissions.	Matrix
§266.107	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for HCl and chlorine gas emissions.	Matrix
§266.111	Failure of facility owner or operator when transferring hazardous wastes directly from a vehicle to a boiler or industrial furnace to meet the requirements of 40 C.F.R. §266.111.	Matrix

(40 C.F.R. Part 266 Subpart M-Military Munitions)

§266.203(a)(2)	Failure of facility owner or operator to notify the Department if the military munitions waste is not received within 45 days of being shipped.	Matrix
§266.205(b)	Failure of facility owner or operator to notify the Department when a storage unit identified in 40 C.F.R. §266.205(a)(1)(iv) will no longer be used to store military munitions.	Matrix

8. The violations of N.J.A.C. 7:26G-11, Land Disposal Restrictions, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Rule	Rule Summary	Base penalty or Matrix
------	--------------	------------------------

(40 C.F.R. Part 268 Subpart A-General)

§268.3(a)	Failure of generator, transporter, or facility to ensure that a restricted waste is not in any way diluted as a substitute for treatment.	Matrix
§268.4	Failure of facility owner or operator utilizing a surface impoundment for the treatment of hazardous waste to comply with the requirements of 40 C.F.R. §268.4.	Matrix
§268.7(a)(1)	Failure of generator to determine if the hazardous waste is restricted from land disposal.	Matrix
§268.7(a)(2)	Failure of generator to send a one-time written notice with the initial waste shipment to the treatment or storage facility when the waste does not meet the treatment standard or to place a copy in the file.	Matrix
§268.7(a)(3)	Failure of generator to send a one-time written notice and certification with the initial waste shipment to the treatment, storage, or disposal facility when the waste meets the treatment standard or to place a copy in the file.	Matrix
§268.7(a)(4)	Failure of generator of waste exempt from meeting treatment standards before being land disposed to send a one-time written notice with the initial waste shipment to the land disposal facility or to place a copy in the file.	Matrix
§268.7(a)(5)	Failure of generator who is managing and treating prohibited waste to develop and follow a written waste analysis plan or to keep plan on site.	Matrix
§268.7(a)(6)	Failure of generator to retain on site all data used to determine if a waste is restricted.	Matrix
§268.7(a)(7)	Failure of generator to keep a one-	Matrix

time notice on site stating that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste subsequent to the point of generation and noting the disposition of the waste.

§268.7(a)(8)	Failure of generator to retain documentation required by 40 C.F.R. §268.7 for three years or longer during the course of any unresolved enforcement action or as requested by the Department.	Matrix
§268.7(a)(9)	Failure of generator using the alternative treatment standards for lab packs to send a one-time written notice and certification with the initial waste shipment to the treatment facility or to place a copy in the file.	Matrix
§268.7(a)(10)	Failure of small quantity generator with tolling agreements to comply with applicable notification and certification requirements for the initial shipment of waste subject to the tolling agreement or to retain copy(s) on site.	Matrix
§268.7(b)(1)	Failure of treatment facility to test an extract of the treatment residues for wastes with treatment standards expressed in the waste extract (TCLP) to assure that it meets the applicable treatment standards.	Matrix
§268.7(b)(2)	Failure of treatment facility to test the treatment residues for waste with treatment standards expressed as concentrations in the waste to assure that they meet the applicable treatment standards.	Matrix
§268.7(b)(3)	Failure of treatment facility to send a one-time notice with the initial waste shipment to the land disposal facility or to place a copy in the file.	Matrix

§268.7(b)(4)	Failure of treatment facility to send a one-time certification with the initial waste shipment to the land disposal facility or to place a copy in the file.	Matrix
§268.7(b)(6)	Failure of treatment facility to submit a notice and certification to the Department with each shipment of recyclable materials used in a manner constituting disposal or to keep records of each entity receiving the waste-derived product.	Matrix
§268.7(c)(1)	Failure of land disposal facility disposing restricted waste to have copies of the applicable notices and certifications.	Matrix
§268.7(c)(2)	Failure of land disposal facility disposing of restricted waste to test the waste to assure it is in compliance with the applicable treatment standards.	Matrix
§268.7(d)	Failure of generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste to meet the proper notification and certification requirements.	Matrix
§268.9(a)	Failure of generator of a waste that displays a hazardous characteristic to determine the underlying hazardous constituents in the waste.	Matrix
§268.9(c)	Failure of generator to ensure a prohibited waste exhibiting a characteristic complies with the treatment standards under 40 C.F.R. §268, Subpart D before being land disposed.	Matrix
§268.9(d)	Failure of generator or treater of a waste that once exhibited a characteristic but is no longer	Matrix

hazardous to place a one-time notification and certification in its files or to send to the Department.

(40 C.F.R. Part 268 Subpart C-Prohibitions on Land Disposal)

§268.30	Failure to comply with land disposal prohibitions of wood preserving wastes.	Matrix
§268.31	Failure to comply with land disposal prohibitions of dioxin-containing wastes.	Matrix
§268.33	Failure to comply with land disposal prohibitions of organobromine wastes.	Matrix
§268.34	Failure to comply with land disposal prohibitions of toxicity characteristic metal wastes.	Matrix
§268.35	Failure to comply with land disposal prohibitions of petroleum refining wastes.	Matrix
§268.37	Failure to comply with land disposal prohibitions of ignitable and corrosive characteristic wastes whose treatment standards were vacated.	Matrix
§268.38	Failure to comply with land disposal prohibitions of newly identified organic toxicity characteristic wastes ' and newly listed coke by-product and chlorotoluene production wastes.	Matrix
§268.39	Failure to comply with land disposal prohibitions of spent aluminum potliners; reactive; and carbamate wastes.	Matrix

(40 C.F.R Part 268 Subpart D-Treatment Standards)

§268.40	Failure to meet treatment standard requirements found in the table in 40 C.F.R. §268.40 before land disposing	Matrix
---------	---	--------

of prohibited waste.

§268.45 Failure to meet treatment standards before land disposing of hazardous debris. Matrix

§268.48 Failure to meet treatment standards for underlying hazardous constituents. Matrix

(40 C.F.R Part 268 Subpart E-Prohibitions on Storage)

§268.50(a)(1) Failure of generator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal. Matrix

§268.50(a)(2) Failure of facility owner or operator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal or to clearly mark each container or tank. Matrix

§268.50(a)(3) Transporter stored restricted waste at a transfer facility for greater than 10 days. Matrix

§268.50(b) Owner or operator of a treatment facility stored restricted waste for greater than one year. Matrix

§268.50(f) Failure of owner or operator of a treatment facility to treat or dispose of liquid hazardous waste containing PCBs at concentrations equal to or greater than 50 ppm within one year of the date the wastes were placed in storage. Matrix

9. The violations of N.J.A.C. 7:26G-12, Hazardous Waste Permit Program, and the civil administrative penalty amounts for each violation, are as set forth in the following table.

Base
penalty
or

Rule	Rule summary	Matrix
(40 C.F.R. Part 270 Subpart B-Permit Application)		
§270.10(e) and (f)	Constructed, installed, modified, or operated. hazardous waste facility without submitting Part A or Part B of permit application.	\$10,000
(40 C.F.R. Part 270 Subpart C-Permit Conditions)		
§270.30(a)	Failure of permittee to comply with all conditions of permit.	Matrix
§270.30(b)	Failure of permittee to apply for a new hazardous waste permit following expiration of initial permit.	Matrix
§270.30(d)	Failure of permittee to take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with permit.	\$10,000
§270.30(e)	Failure of permittee to properly operate and maintain systems of treatment and control used to achieve compliance with conditions of permit.	Matrix
§270.30(h)	Failure of permittee to furnish to the Department within a reasonable time any information that the Department may request or copies of records required to be kept by permit.	\$5,000
§270.30(i)	Failure of permittee to allow an authorized representative of the Department to enter facility, have access to and copy any records, inspect facilities, equipment etc., and sample or monitor any substances or parameters that are required by permit.	\$5,000
§270.30(j)(1)	Failure of permittee to take samples and measurements that are representative of the monitored	Matrix

	activity.	
§270.30(j)(2)	Failure of permittee to retain records of required information regarding monitoring sampling and measurements.	\$2,000
§270.30(j)(3)	Failure of permittee to record specific monitoring data.	Matrix
§270.30(k)	Failure of permittee to sign and certify all applications, reports, or information submitted to Department.	\$300
§270.30(l)(1)	Failure of permittee to give notice to Department as soon as possible of any planned physical alterations or additions to permitted facility.	\$2,000
§270.30(l)(2)	Failure of permittee to give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.	\$5,000
§270.30(l)(4)	Failure of permittee to report monitoring results at intervals specified in permit.	\$2,000
§270.30(l)(5)	Failure of permittee to submit compliance reports on interim or final requirements in any compliance schedule within 14 days after schedule date.	\$300
§270.30(l)(6)(i)(A)	Failure of permittee to report, orally within 24 hours, information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.	\$25,000
§270.30(l)(6)(i)(B)	Failure of permittee to report, orally within 24 hours, information concerning a release or discharge of hazardous waste, or of a fire or	\$25,000

	explosion from a hazardous waste facility which could threaten the environment or human health outside the facility.	
§270.30(1)(6)(iii)	Failure of permittee to report any noncompliance which may endanger health or the environment in writing within five days.	\$10,000
§270.30(1)(10)	Failure of permittee to report all instances of noncompliance not reported under 40 C.F.R. §270.30(1)(4), (5), and (6) at time monitoring reports submitted.	\$1,000
§270.30(1)(11)	Failure of permittee to submit relevant facts and correct information when the permittee becomes aware that it failed to submit such facts or information in permit application.	Matrix
(40 C.F.R. Part 270 Subpart D-Changes to Permits)		
§270.40(b)	Failure of permittee to obtain written approval in advance of any proposed change of ownership or operational control.	\$5,000
(40 C.F.R. Part 270 Subpart G-Interim Status)		
§270.71(a)(1)	Owner or operator of an interim status facility treated, stored, or disposed of hazardous waste types not specified in Part A application.	\$5,000
§270.71(a)(2)	Owner or operator of an interim status facility employed processes not specified in Part A application.	\$5,000
§270.71(a)(3)	Owner or operator of an interim status facility exceeded design capacities or operational limits specified in Part A application.	\$5,000
§270.72(b)	Interim status facility owner or operator made changes to facility,	\$5,000

which amounted to reconstruction of facility.

Appendix A
Hazardous Materials Regulations Penalty Table

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>
(49 C.F.R. Part 130)		
§ 130.11(a)	Person offered oil for transportation without a document that indicated the shipment contained oil.	Matrix
§ 130.11(b)	Person transported oil without a readily available document indicating that the shipment contained oil.	Matrix
§ 130.21	Person used a package that allowed a release of oil.	Matrix
§ 130.31(a)	Carrier transported oil without a current basic discharge plan.	Matrix
§130.33	Failure of carrier to implement a response plan.	Matrix
(49 C.F.R. Part 171)		
§ 171.2(a)	Failure of a person offering or accepting a hazardous material to be registered with the Federal DOT or offering or accepting an improperly prepared package.	Matrix
§171.2(b)	Failure of person transporting a hazardous material to be registered with the Federal DOT or to properly handle or transport hazardous materials.	Matrix
§ 171.2(f)(1)	Person represented that a container or package for transportation meets requirements of 49 C.F.R when it did not.	Matrix

§ 171.2(f)(2)	Person represented that a hazardous material was present in a package, container, or motor vehicle when it was not.	Matrix
§171.2(g)(1)	Person tampered with a marking, label, placard, or description on a document.	Matrix
§ 171.2(g)(2)	Person tampered with a package, container, or motor vehicle used for hazardous materials transportation.	Matrix
§171.3(b)(1)	Failure of carrier to mark motor vehicle used to transport hazardous waste (for which a manifest is required) in accordance with 49 C.F.R. §§390.21 or 1058.2.	Matrix
§ 171.15	Failure of carrier to give immediate notice of an incident by telephone to Federal DOT.	Matrix
§ 171.16(a)	Failure of carrier to submit a written report to Federal DOT within 30 days of discovery of an incident.	Matrix
§ 171.16(b)	Failure of carrier to retain a copy of an incident report at its principal place of business for two years.	Matrix
(49 C.F.R. Part 172 Subpart C-Shipping Papers)		
§172.200(a)	Failure of shipper to describe the hazardous, material on a shipping paper.	Matrix
§172.201(a)(1)-(4)	Failure of shipper to use a proper description on a shipping paper.	Matrix
§ 172.201(c)	Failure of shipper using continuation page(s) to be consecutively numbered or the first page to contain a notation specifying the total number of pages.	Matrix
§ 172.202(a)(1)-(5)	Failure of shipper to include as part of the shipping description the proper shipping name, hazard class or	Matrix

	division, ID number, packing group, and total quantity.	
§ 172.202(b)	Failure of shipper to show shipping description in the proper sequence with no additional information interspersed.	Matrix
§ 172.202(c)	Failure of shipper to list the total quantity before or after, or both before and after, the basic description.	Matrix
§ 172.202(e)	Shipper offered or carrier transported a material that is not a hazardous material with a hazard class or ID number in the shipping description.	Matrix
§172.203(a)	Failure of shipper to enter "DOT-E" followed by exemption number on the shipping paper.	Matrix
§ 172.203(c)(1)	Failure of shipper to enter the name of the hazardous substance or hazardous waste code in the shipping description when the proper shipping name does not identify the hazardous substance by name.	Matrix
§ 172.203(c)(2)	Failure of shipper to enter the letters "RQ" on the shipping paper.	Matrix
§ 172.203(k)	Failure of shipper to enter the technical names of the hazardous material in the shipping description for n.o.s. or other generic descriptions.	Matrix
§ 172.203(1)	Failure of shipper to enter the name of the component which makes a material a marine pollutant in the shipping description when not identified or to enter the words "Marine Pollutant."	Matrix
§ 172.203(m)	Failure of shipper to enter the proper information in the shipping description for poisonous materials.	Matrix

§172.205(a)	Failure of carrier to properly prepare a hazardous waste manifest.	Matrix
(49 C.F.R. Part 172 Subpart D-Marking)		
§ 172.300(a)	Failure of shipper to properly mark each package, freight container, or transport vehicle.	Matrix
§ 172.300(b)	Failure of carrier to properly mark each package, freight container, or transport vehicle.	Matrix
§172.301(a)(1)	Failure of shipper to mark non-bulk packaging with the proper shipping name and ID number.	Matrix
§172.301(a)(3)	Failure of shipper of a single hazardous material in non-bulk packages in a transport vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.	Matrix
§172.301(b)	Failure of shipper to mark non-bulk packaging subject to 49 C.F.R. § 172.203(k) with the technical name of the hazardous material.	Matrix
§172.301(c)	Failure of shipper to mark the outside of a non-bulk package, authorized by an exemption, with "DOT-E" followed by exemption number.	Matrix
§ 172.302(a)	Failure of shipper or carrier to properly mark bulk packaging with the ID number.	Matrix
§ 172.302(b)	Failure of shipper or carrier to display markings of proper size on bulk packagings.	Matrix
§ 172.302(c)	Failure of shipper or carrier to mark the outside of a bulk package, authorized by an exemption, with	Matrix

	"DOT-E" followed by exemption number.	
§ 172.302(d)	Failure of shipper or carrier to maintain marking on bulk packaging when emptied.	Matrix
§172.303(a)	Shipper offered or carrier transported a package that did not contain the hazardous material marked on the package.	Matrix
§ 172.304(a)(1)-(4)	Failure of shipper or carrier to meet the marking requirements.	Matrix
§ 172.308(a)	Failure of shipper or carrier to use only authorized abbreviations.	Matrix
§ 172.312(a)	Failure of shipper of non-bulk combination package with inner packagings containing liquid hazardous material to pack with closures upward and with package orientation markings.	Matrix
§ 172.312(b)	Shipper displayed arrows for purposes other than to indicate proper package orientation on a non-bulk package containing liquid hazardous material.	Matrix
§ 172.313(a)	Failure of shipper or carrier to mark packaging containing a material poisonous by inhalation with "Inhalation Hazard" (marking must be on two opposing sides of a bulk packaging).	Matrix
§ 172.313(b)	Failure of shipper or carrier to permanently mark non-bulk plastic outer packaging used as a single or composite packaging for Division 6.1 materials with "POISON" in letters at least 6.3 millimeters high.	Matrix
§172.313(c)	Failure of shipper or carrier of a material poisonous by inhalation in non-bulk packages in a transport	Matrix

	vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.	
§ 172.316(a)	Failure of shipper or carrier to mark non-bulk packaging with the ORM-D designation on at least one side or end within a rectangle that is approximately 6.3 millimeters larger on each side than the designation.	Matrix
§172.322(b)(1)-(2)	Failure of shipper or carrier to properly mark bulk packaging with package containing a marine pollutant with the MARINE POLLUTANT mark.	Matrix
§ 172.322(e)	Failure of shipper or carrier to use the proper MARINE POLLUTANT mark.	Matrix
§ 172.324(a)	Failure of shipper to mark non-bulk packaging with the name of the hazardous substance or hazardous waste code when not identified by name.	Matrix
§ 172.324(b)	Failure of shipper to mark the letters "RQ" on a non-bulk package containing a hazardous substance.	Matrix
§ 172.326(a)	Failure of shipper or carrier to mark a portable tank on two opposing sides with the proper shipping name.	Matrix
§ 172.326(b)	Failure of shipper or carrier to display the name of the owner or lessee on a portable tank.	Matrix
§172.326(c)(1)	Failure of shipper or carrier to mark a transport vehicle or freight container used to transport a portable tank with ID number if not visible on portable tank.	Matrix

§172.326(c)(2)	Failure of shipper of a portable tank in a transport vehicle or freight container to provide ID number markings to motor carrier if not visible on portable tank.	Matrix
§172.328(a)(1)-(3)	Failure of shipper or carrier to provide, affix, or mark the ID number on a cargo tank or on the transport vehicle or freight container if not visible on cargo tank.	Matrix
§172.331(a)-(c)	Failure of shipper or carrier to provide, affix, or mark the ID number on bulk packaging other than portable tanks or cargo tanks or on the transport vehicle or freight container if not visible on bulk packaging.	Matrix
§ 172.332(c)-(d)	Failure of shipper or carrier to properly display ID number on placard.	Matrix
§172.334(a)-(g)	Person displayed an ID number in a prohibited manner.	Matrix
§172.336(a)	Failure of shipper or carrier, displaying ID numbers on transport vehicle or freight container that are not required or prohibited, to display proper ID numbers.	Matrix
§172.336(b)	Failure of shipper or carrier to properly display ID numbers on plain white square-on-point configuration.	Matrix
§ 172.338	Failure of carrier to replace missing or damaged ID number as soon as practical or to properly enter ID number when done by hand.	Matrix
(49 C.F.R. Part 172 Subpart E-Labeling)		
§172.400(a)-(b)	Failure of shipper or carrier to properly label packages or containment devices.	Matrix

§ 172.401(a)	Shipper or carrier labeled a package that did not contain a hazardous material or without representing the hazard of the material.	Matrix
§ 172.401(b)	Shipper or carrier marked or labeled a package that could be confused with or conflicts with a label prescribed by 49 C.F.R. § 172.	Matrix
§ 172.402(a)(1)-(2)	Failure of shipper or carrier to label packages with primary and subsidiary hazard labels.	Matrix
§ 172.402(b)	Failure of shipper or carrier to display the hazard class or division number in lower corner of primary label.	Matrix
§172.404(a)	Failure of shipper or carrier to use label for each hazard class when hazardous materials having different classes are packed within the same packaging.	Matrix
§ 172.404(b)	Failure of shipper or carrier to use label for each hazard class when two or more packages containing compatible hazardous material are placed within the same outside container or overpack.	Matrix
§172.406(a)(1)-(2)	Failure of shipper or carrier to place label in the proper location on the package or containment device.	Matrix
§ 172.406(c)	Failure of shipper or carrier to place primary and subsidiary hazard labels within six inches of one another.	Matrix
§ 172.406(d)	Failure of shipper or carrier to place label on a background of contrasting color or have a dotted or solid line outer border.	Matrix
§172.406(e)	Failure of shipper or carrier to place duplicate labels on at least two sides.	Matrix

§ 172.406(f)	Failure of label to be clearly visible and not obscured by markings or attachments.	Matrix
§172.407(a)	Failure of shipper or carrier to use a durable and weather resistant label.	Matrix
§ 172.407(b)	Failure of shipper or carrier to use a label design as shown in 49 C.F.R §§172.411 through 172.448.	Matrix
§ 172.407(c)(1)-(5)	Failure of shipper or carrier to use a label, or numerals or text on a label, of proper size.	Matrix
§172.407(d)(1)-(5)	Failure of shipper or carrier to use the proper colors on a label.	Matrix
(49 C.F.R Part 172 Subpart F-Placarding)		
§172.502(a)(1)-(2)	Shipper or carrier displayed prohibited placarding.	Matrix
§ 172.502(c)	Failure of shipper or carrier, displaying placards that are not required, to display proper placards.	Matrix
§ 172.504(a)	Failure of shipper or carrier to display proper placards.	Matrix
§ 172.504(b)	Failure of shipper or carrier to use the DANGEROUS placard properly.	Matrix
§ 172.505(a)	Failure of shipper or carrier to display POISON INHALATION HAZARD or POISON GAS placard, in addition to other placards required.	Matrix
§ 172.505(c)	Failure of shipper or carrier to display DANGEROUS WHEN WET placard, in addition to other placards required.	Matrix
§172.506(a)	Failure of shipper to provide motor carrier with the required placards prior to or at the same time the material is offered for transportation.	Matrix

§172.506(a)(1)	Carrier transported hazardous material without proper placarding.	Matrix
§172.512(a)	Failure of shipper or carrier to affix the required placards to a freight container having a capacity of 640 cubic feet.	Matrix
§ 172.514(a)	Failure of shipper to affix the required placards to a bulk packaging.	Matrix
§172.514(b)	Failure of shipper or carrier to maintain placarding on bulk packaging when emptied	Matrix
§ 172.516(a)	Failure of placard to be readily visible from the direction it faces.	Matrix
§ 172.516(c)(1)-(6)	Failure of shipper or carrier to meet the placard visibility and display requirements.	Matrix
§ 172.516(d)	Failure of shipper or carrier to ensure that placard holder does not obscure placard surface other than the borders.	Matrix
§172.519(a)(1)-(3)	Failure of shipper or carrier to meet the placard strength and durability requirements.	Matrix
§172.519(b)	Failure of shipper or carrier to use a placard design as shown in 49 C.F.R. §§172.521 through 172.560.	Matrix
§172.519(c)(1)-(3)	Failure of shipper or carrier to use a placard, or numerals or text on a placard, of proper size.	Matrix
§172.519(d)(1)-(4)	Failure of shipper or carrier to use the proper colors on a placard.	Matrix
(49 C.F.R. Part 172 Subpart G -Emergency Response Information)		
§ 172.600(c)	Failure of shipper or carrier to have emergency response information immediately available.	Matrix

§172.602(a)(1)-(7)	Failure of emergency response information to contain all required information.	Matrix
§ 172.602(b)	Failure of emergency response information to be printed legibly in English, available for use away from the package, or presented on a shipping paper.	Matrix
§172.602(c)(1)	Failure of carrier to properly maintain emergency response information.	Matrix
§ 172.602(c)(2)	Failure of facility operator to properly maintain emergency response information.	Matrix
§ 172.604(a)	Failure of shipper to provide a 24-hour emergency response telephone number.	Matrix
§ 172.604(a) (1)	Failure of shipper to ensure emergency response telephone number is monitored at all times the hazardous material is in transportation.	Matrix
§ 172.604(a)(2)	Failure of shipper to ensure emergency response telephone number is the number of a person who is either knowledgeable of the hazardous material or has immediate access to a person who possesses such knowledge.	Matrix
§172.604(a)(3)	Failure of shipper to enter the emergency response telephone number on the shipping paper as required.	Matrix
§ 172.604(b)	Failure of emergency response telephone number to be that of the person offering the hazardous material for transportation or of an agency accepting responsibility that has received current information on	Matrix

the material.

§ 172.606(a) Failure of carrier to instruct the driver to contact the carrier in the event of an incident. Matrix

§ 172.606(b)(1) Failure of carrier transporting by highway to mark transport vehicle with its telephone number when parked at a separate location from its motive power. Matrix

§ 172.606(b)(2) Failure of carrier transporting by highway to have the shipping paper and emergency response information available on the transport vehicle when parked at a separate location from its motive power. Matrix

(49 C.F.R. Part 172 Subpart H-Training)

§ 172.702(a) Failure of hazmat employer to train each of its hazmat employees. Matrix

§ 172.702(b) Failure of hazmat employer to provide training that applies to a particular function before being performed by a hazmat employee. Matrix

§ 172.702(d) Failure of hazmat employer to test each of its hazmat employees by appropriate means on the training subjects. Matrix

§172.704(a)(1) Failure of hazmat employee training to include general awareness/familiarization training. Matrix

§172.704(a)(2) Failure of hazmat employee training to include function-specific training. Matrix

§ 172.704(a)(3) Failure of hazmat employee training to include safety training. Matrix

§ 172.704(c)(1) Failure of new hazmat employee, or a hazmat employee who changes job functions, to receive initial training. Matrix

§ 172.704(c)(2) Failure of hazmat employee to receive the required training at least once every three years. Matrix

§172.704(d)(1)-(4) Failure of hazmat employer to create and retain a record of current training, inclusive of the preceding three years, for 90 days after an employee is no longer employed by that employer as a hazmat employee. Matrix

(49 C.F.R. Part 173 Subpart A-General)

§ 173.2a(a) Failure of shipper to class material according to the highest applicable hazard class. Matrix

§173.3(c)(1)-(7) Failure of shipper to properly use a salvage drum for packages of hazardous materials that are damaged, defective, or found leaking. Matrix

§173.12(b)(1)-(3) Failure of shipper to comply with packaging requirements for lab packs. Matrix

§173.12(c)(1)-(5) Failure of shipper to properly reuse a packaging for the shipment of hazardous waste. Matrix

§ 173.13(c)(1) Failure of shipper of liquid hazardous material excepted from labeling and placarding requirements to comply with packaging requirements. Matrix

§173.13(c)(2) Failure of shipper of solid hazardous material excepted from labeling and placarding requirements to comply with packaging requirements. Matrix

§173.13(d) Failure of shipper to mark package of hazardous material excepted from labeling and placarding requirements with the statement: "This package conforms to 49 C.F.R. 173.13." Matrix

(49 C.F.R. Part 173 Subpart B-Preparation of Hazardous Material for Transportation)

§ 173.21(a)-(k)	Person offered for transportation or transported forbidden materials or packages.	Matrix
§173.22(a)(1)-(4)	Failure of shipper to use a proper packaging or container.	Matrix
§ 173.22a(a)	Failure of shipper using a packaging authorized under an exemption to be the holder of or a party to the exemption.	Matrix
§ 173.22a(b)	Failure of shipper to maintain a copy of the exemption at each facility where the packaging is being used in connection with the shipment or transportation of the hazardous material.	Matrix
§ 173.22a(c)	Failure of shipper to furnish a copy of the exemption to the carrier when it contains requirements that apply to the carrier.	Matrix
§ 173.24(b)(1)-(3)	Failure of shipper or carrier to meet the general requirements for packages.	Matrix
§173.24(e)(1)-(5)	Failure of shipper to ensure that the packaging is compatible with its contents.	Matrix
§ 173.24(f)(1)-(2)	Failure of shipper or carrier to use properly designed closures on packagings.	Matrix
§173.24(h)(1)	Failure of shipper or carrier to leave sufficient outage when filling packages with liquids.	Matrix
§173.24a(a)(1)-(5)	Failure of shipper of non-bulls packagings and packages to meet design requirements.	Matrix
§ 173.24a(b)(5)	Failure of shipper or carrier to ensure that no hazardous material remains on	Matrix

	the outside of a non-bulk package after filling.	
§ 173.24a(d)	Failure of shipper to limit the amount of material placed into a receptacle.	Matrix
§ 173.24b(a)	Failure of shipper or carrier to load liquids in bulk packagings so that the outage is at least five percent for materials poisonous by inhalation, or at least one percent for all other materials, of the total capacity.	Matrix
§ 173.24b(d)(2)	Failure of shipper or carrier to limit the weight of lading loaded into a bulk package.	Matrix
§173.25(a)(1)-(5)	Failure of shipper to use a properly prepared overpack.	Matrix
§ 173.28(a)	Failure of shipper to inspect packaging or receptacle before reusing to ensure it conforms to the requirements of 49 C.F.R. §§71 through 180.	Matrix
§ 173.28(b)(1)-(7)	Failure of shipper to properly reuse a non-bulk packaging.	Matrix
§ 173.28(e)	Shipper reused a package marked as NRC for material required to be shipped in a DOT specification or UN standard packaging.	Matrix
§ 173.29(a)	Failure to offer for transportation or transport empty packaging containing residue of a hazardous material in the same manner as when it previously contained a greater quantity.	Matrix
§ 173.32(a)	Failure of shipper or carrier to use a portable tank that conforms to the requirements for the particular hazardous material being transported or to retain a manufacturer's data report while it is used for such service.	Matrix

§173.32(e)(1)-(5)	Failure of shipper or carrier to successfully retest a portable tank in accordance with the required schedule and test procedures, to properly mark portable tank with most recent retest date, or to retain proper written records.	Matrix
§ 173.32(f)	Failure of shipper or carrier to test a special portable tank.	Matrix
§ 173.32(g)	Failure of shipper or carrier to retest a deteriorated portable tank (significant dents, corroded areas, leakage, or other conditions that indicate weakness).	Matrix
§173.32(h)	Failure of shipper or carrier to retest a portable tank that has been in an accident and has been damaged to an extent that may adversely affect its product retention capability.	Matrix
§173.32(i)	Failure of shipper or carrier to successfully test a portable tank that has not been used to transport hazardous material for one year or more prior to returning to service.	Matrix
§173.32(m)	Failure of shipper or carrier to ensure that alt materials of construction used in a portable tank container and its appurtenances are not subject to destructive attack by its contents.	Matrix
§173.32b(a)(1)-(2)	Failure of shipper or carrier to conduct periodic hydrostatic test of IM portable tank or periodic test of pressure-relief valves.	Matrix
§173.32b(b)(1)-(7)	Failure of shipper or carrier to conduct periodic visual inspection of IM portable tank.	Matrix
§173.32b(d)	Failure of shipper or carrier to properly mark the IM portable tank	Matrix

	with the required test information.	
§ 173.32b(e)	Failure of shipper or carrier to inspect or retest a damaged or deteriorated IM portable tank (corroded areas, leakage, or other conditions that indicate weakness).	Matrix
§ 173.32b(f)	Failure of shipper or carrier to retain proper written records of test information, including visual inspections.	Matrix
§173.32c(a)	Person offered a hazardous material for transportation in an unauthorized IM portable tank.	Matrix
§ 173.32c(b)	Failure of shipper or carrier to use a proper IM portable tank.	Matrix
§ 173.32c(c)	Failure of shipper or carrier to conduct the required retests or reinspections when they become due prior to filling or offering for shipment an IM portable tank.	Matrix
§ 173.32c(e)	Failure of shipper or carrier to ensure that any part of IM portable tank or its appurtenances are not subject to destructive attack by its contents.	Matrix
§ 173.32c(i)	Shipper or carrier loaded an IM portable tank to a gross vehicle weight greater than the maximum allowable gross vehicle weight specified on its identification plate.	Matrix
§ 173.32c(m)	Failure of shipper or carrier to load an IM portable tank entirely within the horizontal outline thereof.	Matrix
§173.33(a)(1)-(3)	Failure of shipper or carrier to use an authorized cargo tank motor vehicle.	Matrix
§173.33(b)(1)-(4)	Failure of shipper or carrier to meet cargo tank loading requirements.	Matrix

§173.33(e)	Failure of carrier to drain piping on DOT specification cargo tanks of any material that is a Division 6.1 material, oxidizer liquid, liquid organic peroxide, or corrosive liquid (skin only) prior to transporting.	Matrix
§ 173.35(a)	Failure of shipper or carrier to use an authorized intermediate bulk container.	Matrix
§173.35(6)	Failure of shipper to visually inspect each intermediate bulk container and its service equipment before filling.	Matrix
§173.35(d)	Failure of shipper or carrier filling intermediate bulk container with liquids to ensure that it is not filled to more than 98 percent of its water capacity.	Matrix
§173.35(f)(1)	Failure of carrier to ensure that no hazardous material remains on the outside of the intermediate bulk container during transportation.	Matrix
§ 173.35(f)(2)	Failure of carrier to ensure that each intermediate bulk container is securely fastened or contained within the transport unit during transportation.	Matrix
§ 173.35(g)	Failure of shipper or carrier to ensure that each intermediate bulk container of solids is capable of containing the substance in the liquid state.	Matrix
§173.35(h)(1)-(2)	Failure of shipper to use only metal, rigid plastic, or composite intermediate bulk containers for liquid hazardous material.	Matrix
§ 173.35(j)	Shipper or carrier filled an intermediate bulk container with a Packing Group I liquid or exceeded the capacity for a Packing Group I solid.	Matrix

§173.35(k) Failure of shipper or carrier to take measures to prevent an electrostatic discharge during loading and unloading of liquids with a flashpoint of 141 degrees Fahrenheit or lower, or powders with the potential for dust explosion, in intermediate bulk containers. Matrix

§ 173.35(l)(1)-(4) Failure of shipper or carrier to comply with the intermediate bulk container filling limits. Matrix

(49 C.F.R. Part 173 Subpart E-Non-Bulk Packaging for Hazardous Materials Other Than Class 1 and Class 7)

§173.197(a)(1)-(7) Failure of shipper to meet the packaging requirements for regulated medical waste. Matrix

§173.216(c)(1-4) Failure of shipper or carrier to meet the general packaging requirements for asbestos. Matrix

(49 CT.R. Part 177 Subpart A-General Information and Regulations)

§ 177.800(b) Failure of carrier or connecting carrier to perform duties, comply with requirements of 49 C.F.R. § 177, or ensure its hazmat employees receive training in relation thereto. Matrix

§ 177.800(c) Failure of carrier to train its hazmat employees involved in transportation of hazardous material as required by 49 C.F.R. § 177 and subpart H of 49 C.F.R. §172. Matrix

§ 177.800(d) Carrier caused an unnecessary delay in the shipment of hazardous materials. Matrix

§ 177.801 Carrier transported a forbidden material or hazardous material that was not prepared in accordance with 49 C.F.R. §§171 through 180. Matrix

§ 177.804	Failure of carrier to comply with the Federal Motor Carrier Safety regulations.	Matrix
§ 177.816(a)	Failure of carrier to train driver in the requirements of 49 C.F.R. §§390 through 397.	Matrix
§ 177.816(b)	Person operated a cargo tank or vehicle with portable tank without receiving training or without having the appropriate State-issued commercial driver's license.	Matrix
§ 177.816(d)	Failure of required training to conform to the frequency and record keeping requirements of 49 C.F.R. § 172.704.	Matrix
§177.817(a)	Failure of carrier to transport a hazardous material accompanied by a properly prepared shipping paper.	Matrix
§ 177.817(b)	Carrier accepted hazardous material for transportation with shipping papers that did not include the required shipper's certification.	Matrix
§ 177.817(e)	Failure of carrier to ensure that the shipping papers required by 49 C.F.R. §177.817 are available and recognizable by authorities.	Matrix
§ 177.823(a)	Failure of carrier to mark or placard a vehicle transporting hazardous material.	Matrix
§177.823(b)	Failure of carrier to remove a leaking vehicle from the traveled portion of the highway or employ every available means for safe disposal of the leaking material.	Matrix
§177.823(c)	Carrier transported a leaking cargo tank more than a minimum distance necessary to reach a site for safe	Matrix

disposal of the contents.

(49 C.F.R. Part 177 Subpart B-Loading and Unloading)

§ 177.834(a)	Failure of carrier to secure packages containing Class 3, 2, 8, 6.1 or 7 material against movement in a motor vehicle, under conditions normally incident to transportation.	Matrix
§177.834(c)	Person smoking on or about motor vehicle while loading or unloading Class 1, 3, 4, 5 or Division 2.1.	Matrix
§ 177.834(d)	Failure to keep fire away or persons from smoking when loading or unloading a Class 1, 3, 4, 5 or Division 2.1 material from a motor vehicle.	Matrix
§ 177.834(e)	Failure to securely set the handbrake and prevent motion of the motor vehicle during loading or unloading of hazardous material.	Matrix
§ 177.834(f)	Person used tools that are likely to damage the effectiveness of the closure and adversely affect packages or containers during the loading or unloading of Class 1 material or other dangerous articles.	Matrix
§ 177.834(g)	Failure of carrier to prevent motion of Class 1, 3, 4, 5, 8, 2 and Division 6.1 containers by bracing to prevent motion thereof relative to the vehicle while in transit.	Matrix
§ 177.834(h)	Person tampered with hazardous material containers or discharged the contents of such containers.	Matrix
§ 177.834(i)	Cargo tank was not attended by a qualified person while it was being loaded.	Matrix
§ 177.834(j)	Carrier permitted or person drove	Matrix

	cargo tank containing hazardous material without securely closing the manholes, valves and other closures.	
§177.837(a)	Person loaded or unloaded a Class 3 material into or from a cargo tank motor vehicle while the engine was running.	Matrix
§177.837(b)	Failure of carrier to provide metallic bonds or ground conductors for containers which are not in metallic contact with each other for the neutralization of static charges prior to and during transfers of Class 3 materials.	Matrix
§177.837(c)	Failure of carrier to bond and ground cargo tanks before and during transfer of lading when a cargo tank is loaded through an open filling hole.	Matrix
§177.838(a)	Failure of carrier to entirely contain Class 4 and 5 materials within the body of the motor vehicle or to cover by tarpaulins or other suitable means.	Matrix
§ 177.838(b)	Failure of carrier to keep Class 4 and 5 materials dry which are likely to become hazardous when wet when loading a motor vehicle and during transportation.	Matrix
§177.838(c)	Failure of carrier to load articles, possible of spontaneous combustion or heating, with sufficient ventilation to provide assurance against fire.	Matrix
§177.838(h)	Failure of carrier to load Division 4.2 materials in cylinders with valves and safety relief device in the vapor space and in a manner that no shifting occurs in transit.	Matrix
§ 177.839(a)	Carrier loaded nitric acid above any other packaging.	Matrix

§ 177.839(b) Failure of carrier to protect batteries containing electrolyte from being impacted by other cargo or protecting their terminals from short circuits. Matrix

§ 177.841(a) Failure of carrier to load bulk arsenical compounds into sift-proof, steel hopper-type, or dump-type motor-vehicle bodies equipped with water-proof, dust-proof covers well secured in place on all openings. Matrix

(49 C.F.R. Part 177 Subpart C-Segregation and Separation Chart of Hazardous Materials)

§ 177.848(b) Failure of carrier to stow or segregate a transport vehicle containing hazardous material in accordance with 49 C.F.R. §176.83(b). Matrix

§ 177.848(c) Carrier loaded or stored cyanide or cyanide mixtures with acids. Matrix

§ 177.848(d) Failure of carrier to load, transport, or store hazardous materials in accordance with the "Segregation Table for Hazardous Materials." Matrix

(49 C.F.R. Part 177 Subpart D-Vehicles and Shipments in Transit; Accidents)

§ 177.854(a) Failure of carrier to guard motor vehicle transporting hazardous material and provide against hazards during unnecessary stops on the traveled portion of the highway or shoulder. Matrix

§ 177.854(b) Failure of carrier to use safest practical means afforded when leaks occur in packages or containers during the course of transportation, subsequent to initial loading. Matrix

§ 177.854(e) Failure of carrier to safely and expeditiously store leaking containers of hazardous materials. Matrix

§ 177.854(f)	Failure of carrier to set out warning devices when stopped on the highway, or shoulder.	Matrix
§ 177.854(g)	Carrier used heat or flame to repair fuel or cargo containment system.	Matrix
§ 177.854(h)	Carrier repaired a cargo tank using a flame or arc before first making it gas free.	Matrix

(49 C.F.R. Part 180 Subpart D-Qualification and Maintenance of Intermediate Bulk Containers)

§ 180.351(a)	Carrier used an unauthorized intermediate bulk container for the transportation of a hazardous material.	Matrix
§ 180.352(a)	Carrier filled, offered, or transported an intermediate bulk container before the test or inspection was completed.	Matrix
§180.352(c)	Failure of carrier to initially inspect an intermediate bulk container prior to placing hazardous materials into the container.	Matrix
§ 180.352(d)	Failure of carrier to mark the most recent test date on the intermediate bulk container.	Matrix
§ 180.352(e)	Failure of carrier to maintain periodic test and inspection records.	Matrix

(49 C.F.R. Part 180 Subpart E-Qualification and Maintenance of Cargo Tanks)

§180.405(a)	Carrier used an unauthorized cargo tank.	Matrix
§ 180.407(a)	Carrier filled, offered, or transported a cargo tank before tests or inspections were completed.	Matrix
§ 180.407(b)	Failure of carrier to test or inspect an unsafe, damaged, or out-of-service cargo tank.	Matrix

§ 180.415(a)	Failure of carrier to mark test and inspection dates on a cargo tank.	Matrix
§ 180.415(b)	Failure of cargo tank markings to be durable and legible.	Matrix
§ 180.417(a)	Failure of carrier to retain the manufacturer certificate for a cargo tank.	Matrix
§ 180.417(b)	Failure of carrier to have a written test or inspection report or to retain the written reports for cargo tanks.	Matrix
(49 C.F.R. Part 387 Subpart A-Motor Carriers of Property)		
§387.7(a)	Failure of carrier to obtain minimum levels of financial responsibility.	Matrix
§387.7(d)	Failure of carrier to maintain proof of financial responsibility at principal place of business.	Matrix
(49 C.F.R. Part 390 Subpart B-General Requirements and Information)		
§390.21(a)	Failure of carrier to mark a commercial motor vehicle.	Matrix
§390.21(b)	Carrier displayed incomplete or incorrect vehicle markings.	Matrix
§390.21(c)	Failure of carrier to use proper size, shape, color, or location of markings.	Matrix
§390.31(a)	Failure of carrier to preserve records and documents in their original form.	Matrix
(49 C.F.R. Part 391 Subpart B-Qualification and Disqualification of Drivers)		
§391.11 (a)	Carrier permitted or required an unqualified person to drive a commercial motor vehicle.	Matrix
§391.15(a)	Carrier required a disqualified driver to drive a commercial vehicle.	Matrix

(49 C.F.R. Part 391 Subpart C-Background and Character)

§391.21(b)	Failure of carrier to furnish an employment application.	Matrix
§391.23(a)	Failure of carrier to make required background investigations of a commercial vehicle driver.	Matrix
§391.25(a)	Failure of carrier to make an annual inquiry into all driving records.	Matrix
§391.25(b)	Failure of carrier to make an annual determination that drivers meet minimal requirements.	Matrix
§391.25(c)	Failure of carrier to maintain state agency response to a driving record inquiry.	Matrix
§391.27(a)	Failure of carrier to annually require each driver to furnish a list of all violations.	Matrix
§391.27(d)	Failure of carrier to maintain violation list or certificate in driver's qualification file.	Matrix

(49 C.F.R. Part 391 Subpart D-Tests)

§391.31(a)	Failure of carrier to require a commercial vehicle road test.	Matrix
§391.31(d)	Failure of carrier to provide road test form.	Matrix
§391.31(e)	Failure of carrier to complete a certificate of driver's road test.	Matrix
§391.31(g)	Failure of carrier to retain original signed road test form or certificate.	Matrix

(49 C.F.R. Part 391 Subpart E-Physical Qualifications and Examinations)

§391.41(a)	Failure of person to carry a current	Matrix
------------	--------------------------------------	--------

medical examiner's certificate.

(49 C.F.R Part 391 Subpart F-Files and Records)

§391.51(a)	Failure of carrier to maintain a driver qualification file.	Matrix
§391.51(b)	Failure of carrier to maintain a complete qualification file.	Matrix
§391.51(c)	Failure of carrier to maintain driver qualification file for three years beyond employment.	Matrix

(49 C.F.R. Part 392 Subpart A-General)

§392.7(a)	Person drove a commercial motor vehicle prior to ensuring parts and accessories were in good working order.	Matrix
§392.8(a)	Person drove a commercial motor vehicle before being satisfied that the emergency equipment was in place and ready for use.	Matrix
§392.9(a)-(b)	Person operated a commercial motor vehicle prior to ensuring the cargo was properly distributed and adequately secured.	Matrix

(49 C.F.R. Part 393 Subpart H-Emergency Equipment)

§393.95(a)	Failure of carrier to equip a power unit with a properly filled and located fire extinguisher.	Matrix
§393.95(c)	Failure of carrier to equip vehicle with spare fuses.	Matrix
§393.95(f)	Failure of carrier to equip motor vehicle with warning devices for stopped vehicles.	Matrix

(49 C.F.R. Part 395)

§395.3(a)	Carrier permitted or required a driver to drive more than 10 hours or after being on duty for 15 hours.	Matrix
§395.3(b)	Carrier permitted or required a driver to drive for any period after having been on duty 60 hours in seven consecutive days or after having been on duty 70 hours in eight consecutive days.	Matrix
§395.8(a)	Failure of person to record duty status.	Matrix
§395.8(c)	Failure of person to record change of duty status.	Matrix
§395.8(f)	Failure of person to record driver's activities.	Matrix
§395.8(i)	Failure of person to file driver's record of duty status.	Matrix
§395.8(k)	Failure of carrier to retain records of duty status.	Matrix
(49 C.F.R. Part 396)		
§396.11(a)	Failure of person to prepare a written report.	Matrix
§396.11(b)	Failure of person to indicate deficiencies or lack of deficiencies on report or to sign report.	Matrix
§396.11(c)	Failure of carrier to repair deficiencies or to certify or retain inspection reports.	Matrix
§396.13(a)-(c)	Failure of person to be satisfied that the vehicle is in safe operating condition or to review or sign previous inspection reports.	Matrix

(49 C.F.R. Part 397 Subpart A-General)

§397.3	Failure of carrier to comply with jurisdictional laws concerning driving and parking of hazardous materials vehicles.	Matrix
§397.5	Failure of carrier to attend a vehicle that contains hazardous materials.	Matrix
§397.7(b)	Carrier parked a hazardous material vehicle within five feet of the traveled portion of a street or highway.	Matrix
§397.11	Carrier operated or parked a hazardous material vehicle near an open fire.	Matrix
§397.13	Person smoked within 25 feet of a hazardous material vehicle.	Matrix

(49 C.F.R. Part 397 Subpart C-Routing of Non-Radioactive Hazardous Materials)

§397.67(b)	Carrier operated a hazardous material vehicle over inappropriate routes.]	Matrix
------------	--	--------

2. The violations of N.J.A.C. 7:26G-5, Identification and Listing of Hazardous 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.

(40 C.F.R. Part 261 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§261.5(f)</u>	<u>Failure of generator of acute hazardous waste to comply with the requirements of 40 C.F.R. § 261.5(f).</u>	<u>Matrix</u>	<u>NM</u>	
<u>§261.5(g)</u>	<u>Failure of conditionally exempt small quantity generator of hazardous waste to comply with the requirements of 40</u>	<u>Matrix</u>	<u>NM</u>	

C.F.R. §261.5(g).			
-------------------	--	--	--

3. The violations of N.J.A.C. 7:26G-6, Standards Applicable to Generators of Hazardous 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.

(40 C.F.R. Part 262 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§262.11</u>	<u>Failure of generator of solid waste to determine if waste is hazardous.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§262.12(a)</u>	<u>Failure of generator to have EPA identification number before it treats, stores, transports, offers for transportation, or disposes of hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§262.12(c)</u>	<u>Failure of generator to offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA ID number.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 262 Subpart B-The Manifest)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§262.20(a)</u>	<u>Failure of generator to prepare a manifest before transporting or offering for transport hazardous waste off-site.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§262.20(b)</u>	<u>Failure of generator to designate an authorized facility on the manifest.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§262.20(d)</u>	<u>Failure of generator to designate alternate facility or accept waste back in the event the transporter cannot deliver the waste.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§262.21(a)</u>	<u>Failure to use approved manifest forms from the Department for intrastate shipments of hazardous waste in New Jersey or for hazardous waste originating in another state destined for New Jersey.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.21(b)</u>	<u>Failure to use approved manifest forms for hazardous waste originating in New Jersey and destined for another state.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(a)(1)</u>	<u>Failure of generator to sign manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(a)(2)</u>	<u>Failure of generator to obtain signature of initial transporter and date of acceptance on the manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(a)(3)</u>	<u>Failure of generator to retain one copy of manifest or to forward one copy to state of origin or one to state of destination.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(b)</u>	<u>Failure of generator to supply transporter with remaining copies of manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(c)</u>	<u>Failure of generator shipping hazardous waste within the U.S. solely by water to send 3 copies of manifest form signed and dated to owner or operator of designated facility or last water transporter in the United States.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.23(d)</u>	<u>Failure of generator to send at least three copies of signed and dated manifest for rail shipments of hazardous waste within the United States to next non-rail transporter, designated facility, or last rail transporter in the United States.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 262 Subpart C-Pre-Transport Requirements)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§262.30</u>	<u>Failure of generator to package hazardous waste in accordance with 49 C.F.R. Parts 173, 178, and 179.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.31</u>	<u>Failure of generator to label each package of hazardous waste in accordance with 49 C.F.R. Part 172.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.32(a)</u>	<u>Failure of generator to mark packages of hazardous waste in accordance with 49 C.F.R. Part 172.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.32(b)</u>	<u>Failure of generator to mark each container of hazardous waste with the proper wording or to display the wording in accordance with 49 C.F.R. 172.304.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.33</u>	<u>Failure of generator to placard or offer appropriate placard for a vehicle containing hazardous waste in accordance with 49 C.F.R. Part 172, Subpart F.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.34(a)</u>	<u>Failure of generator to ship waste off site within 90 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.34(a)(1)</u>	<u>Failure of generator to place waste in containers, in tanks, on drip pads, or in containment buildings in accordance with 40 C.F.R. § 262.34(a)(1).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.34(a)(2)</u>	<u>Failure of generator to clearly mark container with date when accumulation period begins or to make mark visible for inspection.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.34(a)(3)</u>	<u>Failure of generator to clearly mark each container or tank with the words “Hazardous Waste”.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§262.34(b)</u>	<u>Failure of generator who accumulates waste for greater than 90 days to comply with all disposal facility requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.34(c)(1)</u>	<u>Failure of generator to ensure that the quantity of waste in each area is no more than 55 gallons of hazardous waste or no more than one quart of acutely hazardous waste or to have area at or near any point of generation where wastes initially accumulate in a process.</u>	<u>\$3,000</u>	<u>M</u>	<u>3 days</u>
<u>§262.34(c)(1)(ii)</u>	<u>Failure of generator to mark satellite containers with the words “Hazardous Waste” or other words which identify the contents of the container.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.34(c)(2)</u>	<u>Failure of generator accumulating waste in excess of the amounts listed in 40 C.F.R. §262.34(c)(1) to mark container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.</u>	<u>\$3,000</u>	<u>M</u>	<u>3 days</u>
<u>§262.34(d)</u>	<u>Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to ship waste off site within 180 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.34(d)(5)</u>	<u>Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to comply with emergency response requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.34(e)</u>	<u>Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste, who transports his waste over 200 miles, to ship waste off site within 270 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.34(g)</u>	<u>Failure of generator of 1000 kg or greater of hazardous waste to ship F006 hazardous waste off site within 180 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>39 days</u>
<u>§262.34(h)</u>	<u>Failure of generator of 1000 kg or</u>	<u>\$3,000</u>	<u>M</u>	<u>30</u>

	<u>greater of hazardous waste, who transports F006 hazardous waste over 200 miles, to ship the F006 hazardous waste off site within 270 days.</u>			<u>days</u>
--	---	--	--	-------------

(40 C.F.R. Part 262 Subpart D-Recordkeeping and Reporting)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§262.40(a)</u>	<u>Failure of generator to keep copy of manifest for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.40(b)</u>	<u>Failure of generator to keep copy of hazardous waste report or exception report for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.40(c)</u>	<u>Failure of generator to keep records of any test results, waste analyses, or other determinations for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.40(d)</u>	<u>Failure of generator to keep copy of required records during the course of unresolved enforcement action or as requested by the Department.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§262.41(a)</u>	<u>Failure of generator to submit hazardous waste report of manifest activities by March 1.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.41(b)</u>	<u>Failure of generator who treats, stores or disposes of hazardous waste on-site to submit hazardous waste report covering those wastes.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.42(a)</u>	<u>Failure of generator of greater than 1000 kg of hazardous waste to comply with exception reporting requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.42(b)</u>	<u>Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to comply with exception reporting requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 262 Subpart E-Exports of Hazardous Waste)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§262.52</u>	<u>Failure of generator to comply with the receiving country's consent requirements or to obtain the EPA Acknowledgment of Consent prior to exporting hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§262.53(a)</u>	<u>Failure of generator to comply with the EPA notification requirements prior to offering hazardous waste for export.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.54</u>	<u>Failure of generator exporting hazardous waste to comply with the special manifest requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.55</u>	<u>Failure of generator exporting hazardous waste to file an exception report.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.56</u>	<u>Failure of generator exporting hazardous waste to comply with the annual reporting requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§262.57</u>	<u>Failure of generator exporting hazardous waste to comply with the record keeping requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 262 Subpart F-Imports of Hazardous Waste)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§262.60</u>	<u>Failure of generator importing hazardous waste to comply with the special manifest requirements and 40 C.F.R. §262.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(N.J.A.C. 7:26G-6)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>7:26G-6.1(c)4</u>	<u>Failure of generator to use a transporter</u>			

	<u>who is properly registered.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26G-6.1(c)4</u>	<u>Failure of generator to use a transporter who is displaying a current registration number.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.1(c)5</u>	<u>Failure of generator to properly complete the manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.1(c)9</u>	<u>Failure of generator to assure that the Department and the Consignment State receive copies of manifests signed by the designated facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.1(c)10</u>	<u>Failure of generator to properly mark each container of hazardous waste prior to transportation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-6.2</u>	<u>Failure of generator to use proper waste code(s) that accurately describe the shipment of hazardous waste, determined according to the waste hierarchy.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.3(a)1</u>	<u>Failure of transporter to contact generator for instructions or of generator to give transporter instructions when a facility immediately rejects all or part of a shipment of hazardous waste or the transporter is unable to deliver the hazardous waste to the designated facility.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-6.3(a)1i</u>	<u>Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste returned to the generator.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.3(a)1ii</u>	<u>Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste delivered to an alternate hazardous waste facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-6.3(a)2</u>	<u>Failure of generator, transporter, or facility to comply with manifest requirements when a facility rejects all</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>or part of a shipment of hazardous waste and the manifest has been distributed by the facility.</u>			
<u>7:26G-6.3(b)</u>	<u>Failure of transporter to accept a hazardous waste shipment when it is rejected by the designated facility and the waste was mixed or commingled by the transporter.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-6.3(c)</u>	<u>Failure of transporter who accepts a return shipment of rejected waste under N.J.A.C 7:26G-6.3(b) to comply with the requirements of N.J.A.C 7:26G-6.3(c)1 and 2.</u>	<u>\$5,000</u>	<u>NM</u>	

4. The violations of N.J.A.C. 7:26G-7, Standards Applicable to Transporters of Hazardous 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.

(40 C.F.R. Part 263 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§263.11</u>	<u>Failure of transporter transporting hazardous wastes to have EPA identification number.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 263 Subpart B-Compliance with the Manifest System and Recordkeeping)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§263.20(a)</u>	<u>Failure of transporter accepting hazardous waste from a generator to ensure it is accompanied by a manifest signed in accordance with the provisions of 40 C.F.R. 262.20.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(b)</u>	<u>Failure of transporter to sign or date</u>			

	<u>manifest or return a signed copy of manifest to generator before leaving generator's property.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(c)</u>	<u>Failure of transporter to ensure that manifest accompanies hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§263.20(d)(1)</u>	<u>Failure of transporter to obtain date of delivery and handwritten signature of other transporter or of owner or operator of designated facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(d)(3)</u>	<u>Failure of transporter to give remaining copies of manifest to the accepting transporter or designated facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(f)(1)(i)</u>	<u>Failure of rail transporter accepting hazardous waste from non-rail transporter to sign or date manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(f)(1)(ii)</u>	<u>Failure of rail transporter accepting hazardous waste from non-rail transporter to return a signed copy of manifest to non-rail transporter.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(f)(1)(iii)</u>	<u>Failure of rail transporter accepting hazardous waste from non-rail transporter to forward at least 3 copies of the manifest to next non-rail transporter, designated facility, or last rail transporter in United States.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(f)(2)</u>	<u>Failure of rail transporter to ensure appropriate shipping paper accompanies hazardous waste at all times.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§263.20(f)(3)(i)</u>	<u>Failure of rail transporter delivering hazardous waste to designated facility to obtain date of delivery or handwritten signature of owner or operator of designated facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
	<u>Failure of rail transporter delivering</u>		<u>M</u>	<u>30 days</u>

<u>§263.20(f)(4)(i)</u>	<u>hazardous waste to non-rail transporter to obtain date of delivery or handwritten signature of non-rail transporter.</u>	<u>\$3,000</u>		
<u>§263.20(f)(5)</u>	<u>Failure of non-rail transporter accepting hazardous waste from rail transporter to sign or date manifest or to provide signed copy of manifest to rail transporter.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.20(g)</u>	<u>Failure of transporter transporting waste out of U.S. to comply with requirements at 40 C.F.R. 263.20(g)(1)-(4).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§263.21(a)</u>	<u>Failure of transporter to deliver entire quantity to designated facility, alternate designated facility, next designated transporter, or place outside U.S.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§263.21(b)</u>	<u>Failure of transporter to contact generator for instructions or to revising manifest in case of undeliverable shipment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§263.22(a)</u>	<u>Failure of transporter to maintain signed copy of manifest for three years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.22(b)</u>	<u>Failure of water bulk shipment transporter to maintain copy of shipping paper for three years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.22(c)</u>	<u>Failure of rail transporter to maintain copy of manifest and shipping paper for three years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.22(d)</u>	<u>Failure of transporter to maintain copy of manifest indicating shipment left U.S. for three years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§263.22(e)</u>	<u>Failure of transporter to maintain copy of manifest during the course of</u>	<u>\$4,500</u>	<u>NM</u>	

unresolved enforcement action or as requested by the Department.

(40 C.F.R. Part 263 Subpart C-Hazardous Waste Discharges)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§263.30(a)</u>	<u>Failure of transporter to take appropriate immediate action to protect human health and the environment from a discharge of hazardous waste during transportation.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§263.30(c)</u>	<u>Failure of transporter who has discharged hazardous waste to comply with State and Federal notice and report requirements.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§263.31</u>	<u>Failure of transporter to clean up the discharge and take action as may be required or approved.</u>	<u>Matrix</u>	<u>NM</u>	

(N.J.A.C. 7:26G-7)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>7:26G-7.2(a)1</u>	<u>Failure of transporter to obtain hazardous waste transporter registration prior to operation.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26G-7.2(a)5</u>	<u>Failure of transporter to renew registration prior to May 1 of each registration period.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.2(a)7</u>	<u>Failure of transporter to notify Department of change of information on registration.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.2(a)14</u>	<u>Failure of transporter, acting as a prime contractor or subcontractor, to obtain a registration prior to transporting hazardous waste.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26G-7.2(a)15</u>	<u>Failure of transporter to obtain a</u>			

	<u>registration prior to transporting, storing, collecting, processing, transferring, treating or disposing of hazardous waste in a vehicle registered to another person.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26G-7.2(b)1</u>	<u>Failure of transporter to ensure each and every device used for the transportation of hazardous waste is registered with the Department.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.2(b)2</u>	<u>Failure of transporter to prevent registered vehicle from being used by another transporter.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.2(b)4</u>	<u>Transporter engaged in transportation of hazardous waste during period when decals and registration are withheld pursuant to 7:26G-7.2(b).</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26G-7.2(b)6</u>	<u>Failure of transporter to properly display registration decal or to have copy of lease and lease certification available for inspection.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-7.3(a)1</u>	<u>Failure of transporter to comply with the Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 171 – 180.</u>	<u>See N.J.A.C. 7:26G-2.4(g)10</u>		
<u>7:26G-7.3(a)2</u>	<u>Failure of transporter to comply with the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 – 397.</u>	<u>See N.J.A.C. 7:26G-2.4(g)10</u>		
<u>7:26G-7.3(b)</u>	<u>Failure to allow the Department to enter and inspect any vehicle transporting hazardous waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(a)</u>	<u>Failure of hazardous waste transfer facility to be operated by a licensed hazardous waste transporter who owns or leases the property.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>7:26G-7.4(b)</u>	<u>Failure to conduct storage, consolidation, or commingling only at a hazardous waste transfer facility or</u>	<u>\$5,000</u>	<u>NM</u>	

	<u>authorized hazardous waste facility.</u>			
<u>7:26G-7.4(c)</u>	<u>Failure of owner or operator of a hazardous waste transfer facility to comply with notification requirements prior to operating.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-7.4(d)</u>	<u>Failure of owner or operator of a hazardous waste transfer facility to maintain written log(s).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(e)</u>	<u>Failure of transporter utilizing a hazardous waste transfer facility to enter the necessary information on the log(s).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>7:26G-7.4(f)2</u>	<u>Transporter stored or consolidated closed containers at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(f)3</u>	<u>Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to use containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 171 – 180.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.4(f)4</u>	<u>Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to maintain the containers in good condition.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(f)5</u>	<u>Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to comply with the hazardous materials segregation criteria.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26G-7.4(f)6</u>	<u>Failure of transporter who stores or consolidates containers at a hazardous waste transfer facility to keep containers</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>

	<u>of hazardous waste closed.</u>			
<u>7:26G-7.4(f)7</u>	<u>Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to remove the newly consolidated waste loads at or prior to the 10-day limit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(g)2</u>	<u>Transporter commingled hazardous waste at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(g)3</u>	<u>Failure of transporter to commingle hazardous waste between containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 107, 171 – 180.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.4(g)4</u>	<u>Failure of transporter to only commingle hazardous waste that is designated on the generators' manifests for receipt by the same designated facility.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.4(g)5</u>	<u>Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to amend the generators' manifests to reflect the commingling of hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.4(g)6</u>	<u>Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to remove the newly commingled waste load at or prior to the 10-day limit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(h)2</u>	<u>Transporter consolidated hazardous waste at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(h)3</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>transfer facility to only consolidate liquids.</u>			
<u>7:26G-7.4(h)4</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to transfer only one container at a time.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(h)5</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to store the hazardous waste in closed containers that meet the USDOT packaging regulations in 49 C.F.R. Parts 171 through 180.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>7:26G-7.4(h)6</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to store the hazardous waste in compliance with the hazardous materials segregation criteria at 49 C.F.R. Parts 177.848 or 174.81.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26G-7.4(h)7</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to ensure that the cumulative capacity of the containers receiving the waste are sufficient to containerize all the waste involved in the transfer.</u>	<u>Matrix</u>	<u>NM</u>	
<u>7:26G-7.4(h)8</u>	<u>Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to remove the waste prior to reaching the 10-day limit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>7:26G-7.4(i)</u>	<u>Transporter commingled hazardous wastes of different USDOT shipping descriptions.</u>	<u>Matrix</u>	<u>NM</u>	

5. The violations of N.J.A.C.7:26G-8, Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal 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.

(40 C.F.R. Part 264 Subpart B-General Facility Standards)

Rule	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.11</u>	<u>Failure of facility owner or operator to obtain EPA identification number.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.12(a)</u>	<u>Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least 4 weeks in advance of expected delivery.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.12(b)</u>	<u>Failure of facility owner or operator to inform generator in writing that he has the appropriate permit(s) for the waste the generator is shipping or to keep copy of notice in operating record.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.12(c)</u>	<u>Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of §§ 40 CFR 264 and 270.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.13(a)(1)</u>	<u>Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.13(a)(3)</u>	<u>Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.13(a)(4)</u>	<u>Failure of owner or operator of an off-site facility to inspect or analyze each hazardous waste shipment received to determine if it matches the identity specified on the manifest or shipping paper.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.13(b)</u>	<u>Failure of facility owner or operator to develop or follow a written waste analysis plan.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.14(a)</u>	<u>Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.14(b)</u>	<u>Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.14(c)</u>	<u>Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. § 264.14(c).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.15(a)</u>	<u>Failure of facility owner or operator to inspect for malfunctions and deterioration, operator errors, or discharges.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.15(b)</u>	<u>Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify problems.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.15(c)</u>	<u>Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.15(d)</u>	<u>Failure of facility owner or operator to record inspections in log or to retain required information for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.16(a)(1)</u>	<u>Failure of facility owner or operator to provide required classroom or on-the-job training for facility personnel.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.16(a)(2)</u>	<u>Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>procedures.</u>			
<u>§264.16(a)(3)</u>	<u>Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.16(b)</u>	<u>Failure of facility personnel to successfully complete the training program required in 40 C.F.R. 264.16(a) within 6 months.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.16(c)</u>	<u>Failure of facility personnel to take part in an annual review of the initial training required in 40 CFR 264.16(a).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.16(d)</u>	<u>Failure of facility owner or operator to maintain training records at the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.16(e)</u>	<u>Failure of facility owner or operator to keep training records until closure.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.17(a)</u>	<u>Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.17(b)</u>	<u>Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of incompatible wastes to take precautions to prevent reactions.</u>	<u>\$4,500</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart C-Preparedness and Prevention)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.31</u>	<u>Failure of facility owner or operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.32</u>	<u>Failure of facility owner or operator to equip facility with emergency equipment.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.33</u>	<u>Failure of facility owner or operator to test and maintain emergency equipment.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.34</u>	<u>Failure of facility owner or operator to maintain access to communications or alarm system.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.35</u>	<u>Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.37</u>	<u>Failure of facility owner or operator 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.</u>	<u>\$4,500</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart D-Contingency Plan and Emergency Procedures)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.51(a)</u>	<u>Failure of facility owner or operator to have contingency plan designed to minimize hazards to human health and the environment.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.51(b)</u>	<u>Failure of facility owner or operator to carry out provisions of the plan immediately if there is a fire, explosion, or release.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.52(a)</u>	<u>Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.52(b)</u>	<u>Failure of facility owner or operator to amend its SPCC (40 C.F.R. Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7:1E) plan to incorporate hazardous waste management provisions.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.52(c)</u>	<u>Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.52(d)</u>	<u>Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.52(e)</u>	<u>Failure of contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.52(f)</u>	<u>Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.53</u>	<u>Failure of 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.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.54</u>	<u>Failure of facility owner or operator to review or amend contingency plan as</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>necessary.</u>			
<u>§264.55</u>	<u>Failure of emergency coordinator to be thoroughly familiar with plan or available at all times.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.56(a)-(b)</u>	<u>Failure of emergency coordinator to identify character, source, amount or areal extent of discharged materials, or to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(c)</u>	<u>Failure of emergency coordinator to assess possible hazards to human health and the environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(d)</u>	<u>Failure of emergency coordinator to immediately notify appropriate emergency response agency of situation threatening health and the environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(e)</u>	<u>Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(f)</u>	<u>Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(g)</u>	<u>Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.56(h)</u>	<u>Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored, or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.56(i)</u>	<u>Failure of facility owner or operator to notify Department and local authorities that facility is in compliance before operations are resumed.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.56(i)</u>	<u>Failure of facility owner or operator to submit written report to Department within 15 days after an incident.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 264 Subpart E-Manifest System, Recordkeeping, and Reporting)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.71(a)(1)</u>	<u>Failure of facility owner or operator to sign or date manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(a)(2)</u>	<u>Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(a)(3)</u>	<u>Failure of facility owner or operator to give transporter a copy of manifest or forward one copy to the Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(a)(4)</u>	<u>Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(a)(5)</u>	<u>Failure of facility owner or operator to retain copy of manifest for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(b)(1)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or date manifest or shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(b)(2)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>of manifest or shipping paper.</u>			
<u>§264.71(b)(3)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper or to forward one copy to the Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(b)(4)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.71(b)(5)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.72(b)</u>	<u>Failure of facility operator to reconcile a significant manifest discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>264.73</u>	<u>Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R. § 264.73.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.74(a)</u>	<u>Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.74(b)</u>	<u>Failure of facility owner or operator to keep any record during course of any unresolved enforcement action or as requested by the Department.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.74(c)</u>	<u>Failure of facility owner or operator to submit copy of waste disposal locations or quantities to Department or local land authority upon closure of facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.75</u>	<u>Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.76</u>	<u>Failure of a facility owner or operator receiving unmanifested waste to submit an ‘Unmanifested Waste Report’.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.76</u>	<u>Failure of a facility owner or operator receiving unmanifested waste to submit an ‘Unmanifested Waste Report’ within 15 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 264 Subpart F-Releases From Solid Waste Management Units)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.92</u>	<u>Failure of facility owner or operator to comply with permit conditions designed to protect ground water.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.95</u>	<u>Failure of facility owner or operator to conduct monitoring at the point of compliance as specified in the facility permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.96</u>	<u>Failure of facility owner or operator to maintain a compliance-monitoring program for the life of the compliance period as specified in the facility permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.97</u>	<u>Failure of facility owner or operator to provide facility with ground water monitoring system in accordance with 40 C.F.R. § 264.97.</u>	<u>\$10,000</u>	<u>NM</u>	

<u>§264.98</u>	<u>Failure of facility owner or operator to establish a detection monitoring program in conformance with 40 C.F.R. § 264.98.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.99</u>	<u>Failure of facility owner or operator to maintain a compliance monitoring program in conformance with 40 C.F.R. § 264.99.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.100</u>	<u>Failure of facility owner or operator to establish a corrective action program in conformance with 40 C.F.R. § 264.100.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart G-Closure and Post-Closure)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.111</u>	<u>Failure of facility owner or operator to close in a manner that minimizes further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.112(a)</u>	<u>Failure of facility owner or operator to have written closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.112(b)</u>	<u>Failure of facility owner or operator to include in the closure plan all steps necessary to perform a partial and/or final closure of the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.112(c)</u>	<u>Failure of facility owner or operator to amend or request modification of closure plan before change.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.112(d)</u>	<u>Failure of facility owner or operator to notify Department prior to commencement of closure.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.113(a)</u>	<u>Failure of facility owner or operator to treat, remove, or dispose of waste within 90 days after final volume of wastes received in accordance with approved closure plan.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.113(b)</u>	<u>Failure of facility owner or operator to complete closure within 180 days after final volume of wastes received in accordance with approved closure plan.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.114</u>	<u>Failure of facility owner or operator to properly dispose of or decontaminate all contaminated equipment, structures, or soils.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.115</u>	<u>Failure of facility owner or operator, when closure completed, to submit its own certification and that of an independent registered professional engineer to the Department.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.116</u>	<u>Failure of facility owner or operator, within 60 days after closure, to submit to local authorities and Department detailed information on site.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.117(a)</u>	<u>Failure of facility owner or operator to continue proper post-closure care for 30 years and to comply with 40 C.F.R. § 264.117(a)(1)-(2).</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.117(c)</u>	<u>Failure of facility owner or operator to ensure that post-closure activity does not disturb final cover, liner(s), or containment or monitoring system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.117(d)</u>	<u>Failure of facility owner or operator to perform post-closure care activities in accordance with post-closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.118(a)</u>	<u>Failure of facility owner or operator to have written post-closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.118(b)</u>	<u>Failure of facility owner or operator to include in post-closure plan all activities that will be carried on after closure of each disposal unit and the frequency of these activities.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.118(c)</u>	<u>Failure of facility owner or operator to furnish the most current copy of post-closure plan to the Department upon request or to keep a copy of the post-closure plan with the person or office specified in 40 C.F.R. § 264.118(b)(3) during the post-closure period.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.118(d)</u>	<u>Failure of facility owner or operator to amend or request modification of post-closure plan when necessary.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.119(a)</u>	<u>Failure of facility owner or operator to inform the local zoning officer and the Department of the type, location and amount of waste in each disposal unit within 60 days of receiving a certification of closure for that unit.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.119(b)</u>	<u>Failure of facility owner or operator to comply with requirements for notice in deed to property.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.120</u>	<u>Failure of facility owner or operator to certify that post-closure activities have been conducted according to the post-closure plan within 60 days of completion of the established post-closure care period.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 264 Subpart H-Financial Requirements)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>

<u>§264.142(a)</u>	<u>Failure of facility owner or operator to have a written estimate of the cost of closing facility.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.142(b)</u>	<u>Failure of facility owner or operator to adjust closure cost estimate for inflation according to regulatory time frames.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.142(c)</u>	<u>Failure of facility owner or operator to revise the closure cost estimate whenever a change in the closure plan increases the cost of closure.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.142(d)</u>	<u>Failure of facility owner or operator to keep the latest closure cost estimate and adjusted closure cost estimate at the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.143</u>	<u>Failure of facility owner or operator to establish financial assurance for closure of facility.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.144(a)</u>	<u>Failure of facility owner or operator to have a written estimate of the cost of post-closure care.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.144(b)</u>	<u>Failure of facility owner or operator to adjust cost estimate of post-closure care for inflation according to regulatory time frames.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.144(c)</u>	<u>Failure of facility owner or operator to revise the post-closure care cost estimate whenever a change in the post-closure plan increases the cost of post-closure care.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.144(d)</u>	<u>Failure of facility owner or operator to keep the latest post-closure care cost estimate at the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.145</u>	<u>Failure of facility owner or operator to establish financial assurance for post-closure care of facility.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.147(a)</u>	<u>Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.147(b)</u>	<u>Failure of facility owner or operator to meet the liability requirements for nonsudden occurrences.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.148(a)</u>	<u>Failure of facility owner or operator or guarantor to notify Department of commencement of proceeding under Title 11 of the Bankruptcy Code.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.148(b)</u>	<u>Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart I-Use and Management of Containers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.171</u>	<u>Failure of facility owner of operator to handle hazardous waste in containers of good condition.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.172</u>	<u>Failure of facility owner or operator to use container compatible with hazardous waste stored.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.173</u>	<u>Failure of facility owner or operator to comply with the requirements for the management of containers.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.174</u>	<u>Failure of facility owner of operator to perform inspection of each area where containers are stored.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.175(b)(1)</u>	<u>Failure of container storage area to have an underlying base free of cracks or gaps and sufficiently impervious to contain leak, spills and accumulated precipitation until collected material is</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>detected and removed.</u>			
<u>§264.175(b)(2)</u>	<u>Failure of container storage area to be sloped or designed and operated to drain and remove liquids, unless containers are protected from contact with accumulated liquids.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.175(b)(3)</u>	<u>Failure of container storage area to have capacity to contain 10 percent of volume of all containers or volume of largest container, whichever is greater.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.175(b)(4)</u>	<u>Failure of container storage area to be protected from run-on, unless in compliance with exceptions at 40 C.F.R. § 264.175(b)(4).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.175(b)(5)</u>	<u>Failure of facility owner or operator to remove spilled or leaked waste or accumulated precipitation from sump or collection area in a timely manner to prevent overflow.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.176</u>	<u>Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.177</u>	<u>Failure of facility owner or operator to comply with each of the special requirements for incompatible wastes.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.178</u>	<u>Failure of facility owner or operator to remove all hazardous wastes and residues from containment system at closure or to remove or decontaminate remaining containers, liners, bases, and soil containing or contaminated with hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.179</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts</u>	<u>Matrix</u>	<u>NM</u>	

AA, BB, and CC.

(40 C.F.R. Part 264 Subpart J-Tank Systems)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.191(a)</u>	<u>Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.191(b)</u>	<u>Failure of written assessment to comply with the requirements at 40 C.F.R. § 264.191(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.191(c)</u>	<u>Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.192(b)</u>	<u>Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer prior to covering, enclosing, or placing in use.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.192(c)</u>	<u>Failure of facility owner or operator of a new tank system or components to use appropriate backfill material.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.192(d)</u>	<u>Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing, or placing in use.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.192(e)</u>	<u>Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.192(f)</u>	<u>Failure of facility owner or operator to provide proper corrosion protection for new tank systems.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.192(g)</u>	<u>Failure of facility owner or operator to obtain and keep on record certifications from those professionals responsible for tank system design and installation.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.193(a)</u>	<u>Failure of facility owner or operator to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. § 264.193(a).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(b)(1)</u>	<u>Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(b)(2)</u>	<u>Failure of secondary containment system to detect and collect releases and accumulated liquids.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(c)(1)</u>	<u>Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(c)(2)</u>	<u>Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(c)(3)</u>	<u>Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structure(s) or the presence of a release.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(c)(4)</u>	<u>Failure of facility owner or operator to remove accumulated precipitation or</u>	<u>Matrix</u>	<u>NM</u>	

	<u>spilled or leaked waste from secondary containment within 24 hours.</u>			
<u>§264.193(d)</u>	<u>Failure of facility owner or operator to provide secondary containment featuring an approved device.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(e)(1)</u>	<u>Failure of external liner system to meet requirements at 40 C.F.R. § 264.193(e)(1).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(e)(2)</u>	<u>Failure of vault system to meet requirements at 40 C.F.R. § 264.193(e)(2).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(e)(3)</u>	<u>Failure of double-walled tank to meet requirements at 40 C.F.R. § 264.193(e)(3).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.193(f)</u>	<u>Failure of facility owner or operator to provide secondary containment for ancillary equipment.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.194(a)</u>	<u>Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.194(b)</u>	<u>Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.195(a)</u>	<u>Failure of facility owner or operator to develop and follow a schedule and procedure for inspecting overfill controls.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.195(b)(1)</u>	<u>Failure of facility owner or operator to inspect aboveground portions of a tank system for corrosion or releases of waste each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§264.195(b)(2)</u>	<u>Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.195(b)(3)</u>	<u>Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system or secondary system for erosion or signs of releases.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.195(c)</u>	<u>Failure of facility owner or operator to inspect cathodic protection systems.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.195(d)</u>	<u>Failure of facility owner or operator to document inspections in facility operating record.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.196(a)</u>	<u>Failure of facility owner or operator to cease using a tank from which a release occurred or which is unfit for use.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.196(b)</u>	<u>Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.196(c)</u>	<u>Failure of facility owner or operator to prevent further migration of a release to soils or water or to remove and dispose of any visible contamination of soil or water.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.196(d)</u>	<u>Failure of facility owner or operator to report a release within 24 hours or to submit a spill report within 30 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.196(e)</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 264.196(e)(2)-(4) prior to placing a tank back in service following a release.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.196(f)</u>	<u>Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.197(a)</u>	<u>Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.197(c)</u>	<u>Failure of facility owner or operator that has a tank system without secondary containment to comply with requirements at 40 C.F.R. § 264.197(c).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.198(a)</u>	<u>Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.198(b)</u>	<u>Failure of facility owner or operator storing or treating ignitable or reactive wastes in tanks to comply with NFPA's buffer zone requirements for tanks.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.199(a)</u>	<u>Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in the same tank, except in compliance with 40 C.F.R. § 264.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.199(b)</u>	<u>Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 264.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.200</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts AA, BB, and CC.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart K-Surface Impoundments)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.221(a)</u>	<u>Failure of surface impoundment to have liner designed, constructed, and installed to prevent migration of waste during active life of impoundment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.221(a)(1)</u>	<u>Failure of liner to have properties that prevent failure due to pressure gradients, contact with waste, climatic conditions, and stress of installation and operation.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.221(a)(2)</u>	<u>Failure of facility owner or operator to place lower liner on foundation capable of providing support.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.221(a)(3)</u>	<u>Failure of surface impoundment to have the liner installed to cover all surrounding earth likely to be in contact with the waste or leachate.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.221(c)(1)(i)(A)</u>	<u>Failure of top liner to be designed and constructed to prevent migration of hazardous constituents into liner during active life and post closure care period.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.221(c)(1)(i)(B)</u>	<u>Failure of bottom liner to consist of at least three feet of soil of specified hydraulic conductivity.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.221(c)(2)</u>	<u>Failure of surface impoundment to have leachate collection system between liners.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§264.221(c)(4)</u>	<u>Failure of facility owner or operator to demonstrate that the seasonal high water table will not adversely affect the leak detection system.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§264.223</u>	<u>Failure of facility owner or operator that stores hazardous waste in a surface</u>	<u>\$5,000</u>	<u>NM</u>	

	<u>impoundment to have an approved response action plan.</u>			
<u>§264.226(a)</u>	<u>Failure to comply with inspection requirements for surface impoundment during and immediately after construction.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.226(b)</u>	<u>Failure to comply with inspection requirements during operation of surface impoundment.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.226(c)</u>	<u>Failure of facility owner or operator who stores hazardous waste in a surface impoundment to obtain a professional engineer's certification that the dike has structural integrity.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.226(d)</u>	<u>Failure of facility owner or operator who stores hazardous waste in a surface impoundment to record the amount of liquids removed from each leak detection sump.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.227(a)</u>	<u>Failure of facility owner or operator to remove surface impoundment from service if liquid level suddenly drops or if dike leaks.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.227(b)</u>	<u>Failure of facility owner or operator to comply with requirements necessary when surface impoundment is removed from service.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.227(c)</u>	<u>Failure of facility owner or operator to have requirements for surface impoundment in contingency plan.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.227(d)</u>	<u>Failure of facility owner or operator to comply with requirements for placing surface impoundment back into service.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.227(e)</u>	<u>Failure of facility owner or operator to close surface impoundment that has been removed from service and is not being repaired.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.228(a)</u>	<u>Failure of facility owner or operator who stores hazardous waste in a surface impoundment to properly close and provide post-closure care following closure.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.228(b)</u>	<u>Failure of facility owner or operator to comply with maintenance and monitoring requirements during post-closure of surface impoundment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.229</u>	<u>Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.230</u>	<u>Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface impoundment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.231(a)</u>	<u>Failure of facility owner or operator that stores hazardous waste in a surface impoundment to obtain an approved management plan prior to placing F020, F021, F023, F026 or F027 wastes in the surface impoundment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.232</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts BB and CC.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart L-Waste Piles)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.251(a)</u>	<u>Failure of facility owner or operator to ensure waste piles have a proper liner and leachate collection system.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.251(c)</u>	<u>Failure of facility owner or operator to ensure waste piles have double liners and a leachate collection system both above and between the liners.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.251(g)</u>	<u>Failure of facility owner or operator to have a run-on control system to prevent flow onto a waste pile from at least a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.251(h)</u>	<u>Failure of facility owner or operator to have a run-off management system to collect run-off from a waste pile from a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.251(i)</u>	<u>Failure of facility owner or operator to empty run-on and run-off holding facilities expeditiously following a storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.251(j)</u>	<u>Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.253</u>	<u>Failure of facility owner or operator to have an approved response action plan prior to utilizing a waste pile for hazardous waste storage.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.254(a)</u>	<u>Failure of facility owner or operator to inspect liners to be used with waste piles during construction or installation.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.254(b)</u>	<u>Failure of facility owner or operator to inspect waste piles on a weekly basis and after storms.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.254(c)</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.256</u>	<u>Failure of facility owner or operator to ensure that ignitable or reactive wastes</u>	<u>\$5,000</u>	<u>NM</u>	

	<u>are not placed in waste piles.</u>			
<u>§264.257</u>	<u>Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.258</u>	<u>Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.259(a)</u>	<u>Failure of facility owner or operator to have an approved management plan prior to placing F020, F021, F022, F023, F026, or F027 waste in a waste pile.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart M-Land Treatment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.271(a)</u>	<u>Failure of facility owner or operator conducting land treatment to have an established land treatment program meeting the requirements of 40 C.F.R. § 264.271.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.272(a)</u>	<u>Failure of facility owner or operator conducting land treatment to have demonstrated prior to application of the waste that hazardous constituents in the waste will be completely degraded in the treatment zone.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.272(c)</u>	<u>Failure of facility owner or operator conducting land treatment to ensure that all field tests and laboratory analysis conducted meet the standards of 40 C.F.R. § 264.272(c).</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.273(a)</u>	<u>Failure of facility owner or operator to operate a land treatment unit in accordance with all design and operating conditions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.273(b)</u>	<u>Failure of facility owner or operator to minimize the run-off of hazardous constituents from the treatment zone.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.273(c)</u>	<u>Failure of facility owner or operator utilizing land treatment to have a run-on control system capable of preventing flow into the treatment zone during a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.273(d)</u>	<u>Failure of facility owner or operator utilizing land treatment to have a run-off management system capable of collecting and controlling flow during a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.273(e)</u>	<u>Failure of facility owner or operator utilizing land treatment to empty run-on and run-off holding facilities expeditiously following a storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.273(f)</u>	<u>Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.273(g)</u>	<u>Failure of facility owner or operator to conduct weekly inspections of the land treatment unit.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.276</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 264.276 when growing food-chain crops on or in the treatment zone.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.278</u>	<u>Failure of facility owner or operator to implement an unsaturated zone monitoring program in conformance with 40 C.F.R. § 264.178 and make appropriate notifications if there is an increase in hazardous constituents below the treatment zone.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.279</u>	<u>Failure of facility owner or operator to include application dates and rates to the operating record.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.280(a)</u>	<u>Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the closure period.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.280(b)</u>	<u>Failure of facility owner or operator to submit a soil scientist's certification upon closure of the facility.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.280(c)</u>	<u>Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the post-closure period.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.281</u>	<u>Failure of facility owner or operator to ensure that ignitable or reactive waste are not placed in the land treatment zone.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.282</u>	<u>Failure of facility owner or operator to ensure that incompatible wastes are not placed in the same land treatment zone.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.283(a)</u>	<u>Failure of facility owner or operator to obtain an approved management plan prior to placing F020, F021, F023, F026 or F027 wastes in a land treatment unit.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart N-Landfills)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§264.301(a)</u>	<u>Failure of facility owner or operator of hazardous waste landfill to have a liner system as required by 40 C.F.R. § 264.301(a).</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§264.301(c)</u>	<u>Failure of facility owner or operator of new hazardous waste landfill to have a liner system as required by 40 C.F.R. § 264.301(c).</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§264.301(g)</u>	<u>Failure of owner or operator of hazardous waste landfill to manage run-on system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.301(h)</u>	<u>Failure of owner or operator of hazardous waste landfill to manage run-off system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.301(i)</u>	<u>Failure of facility owner or operator of hazardous waste landfill to empty or manage system after storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.301(j)</u>	<u>Failure of owner or operator of a hazardous waste landfill to control wind dispersion of particulate matter.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.303</u>	<u>Failure of facility owner or operator to meet inspection requirements for hazardous waste landfill.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.303(c)(1)</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.303(c)(2)</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump in accordance with 40 C.F.R. § 264.303(c)(2) following the closure period of a hazardous waste landfill.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.304</u>	<u>Failure of facility owner or operator that stores hazardous waste in a landfill unit to have an approved response action plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.309(a)</u>	<u>Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.309(b)</u>	<u>Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.310(a)</u>	<u>Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.310(b)(1)</u>	<u>Failure of owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover necessary to correct the effects of settling, subsidence, erosion, or other events.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.310(b)(2)</u>	<u>Failure of facility owner or operator to continue to operate the leachate collection system until leachate is no longer detected.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.310(b)(3)</u>	<u>Failure of facility owner or operator to maintain and monitor the leak detection system</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.310(b)(4)</u>	<u>Failure of facility owner or operator to continue to maintain and monitor the ground water monitoring system after final closure.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.310(b)(5)</u>	<u>Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.310(b)(6)</u>	<u>Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with 40 C.F.R. § 264.309.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.312</u>	<u>Facility owner or operator of hazardous waste landfill placed ignitable or reactive waste in hazardous waste landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.313</u>	<u>Facility owner or operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.314(b)</u>	<u>Facility owner or operator placed bulk or non-containerized liquid hazardous waste in landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.314(c)</u>	<u>Failure of facility owner or operator to ensure that liquid hazardous waste or hazardous wastes containing free liquids are not placed in the landfill.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.314(d)</u>	<u>Facility owner or operator placed containers holding free liquids in hazardous waste landfill.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.314(f)</u>	<u>Facility owner or operator placed liquid which is not a hazardous waste in hazardous waste landfill.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.315</u>	<u>Failure of facility owner or operator to comply with special requirements for containers being placed in a landfill.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.316(a)</u>	<u>Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.316(b)</u>	<u>Failure of metal outer container to be full after packing with inside containers and absorbent material.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.316(c)</u>	<u>Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with, being decomposed by, or being ignited by the contents inside the containers in accordance with 40 C.F.R. § 264.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.316(d)</u>	<u>Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.316(e)</u>	<u>Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.317</u>	<u>Failure of facility owner or operator of hazardous waste landfill to comply with special requirements for F020, F021, F022, F023, F026, and F027 wastes.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart O-Incinerators)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.341(b)</u>	<u>Failure of facility owner or operator throughout normal operation of incinerator to conduct sufficient waste analyses to verify compliance with permit.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.344</u>	<u>Failure of facility owner or operator to operate a hazardous waste incinerator in compliance with the conditions at 40 C.F.R. § 264.345 and the permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.345(a)</u>	<u>Failure of facility owner or operator to operate incinerator in accordance with operating requirements of permit.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§264.345(c)</u>	<u>Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.345(d)(1)</u>	<u>Failure of facility owner or operator to keep combustion zone of incinerator totally sealed against fugitive emissions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.345(d)(2)</u>	<u>Failure of facility owner or operator to maintain combustion zone of incinerator at lower than atmospheric pressure.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.345(d)(3)</u>	<u>Failure of facility owner or operator of incinerator to provide approved alternate means of control of fugitive emissions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.345(e)</u>	<u>Failure of facility owner or operator to operate incinerator with automatic feed cut off.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.345(f)</u>	<u>Failure of facility owner or operator to cease operation of incinerator if change in waste feed or operating conditions exceed permit limits.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.347(a)(1)</u>	<u>Failure of facility owner or operator to monitor combustion temperature, waste feed rate, gas velocity continuously.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.347(a)(2)</u>	<u>Failure of facility owner or operator to monitor carbon monoxide continuously.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.347(a)(3)</u>	<u>Failure of facility owner or operator to conduct, upon request, sampling or analyses of waste or exhaust emissions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.347(b)</u>	<u>Failure of facility owner or operator to thoroughly inspect incinerator or associated equipment at least daily.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§264.347(c)</u>	<u>Failure of facility owner or operator to test emergency waste feed cutoff controls or alarm systems weekly.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.347(d)</u>	<u>Failure of facility owner or operator to record all monitoring and inspection data in the facility's operating log.</u>	<u>\$3000</u>	<u>NM</u>	
<u>§264.351</u>	<u>Failure of facility owner or operator to remove all hazardous waste and hazardous waste residues from incinerator site at closure.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart W-Drip Pads)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.571</u>	<u>Failure of facility owner or operator operating an existing drip pad to evaluate the pad to determine if it meets the requirements of 40 C.F.R. § 264, Subpart W.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.573(a)</u>	<u>Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, bermed, and of sufficient structural strength or to obtain an engineer's evaluation, recertified annually.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.573(b)(1)</u>	<u>Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(b)(2)</u>	<u>Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.573(b)(3)</u>	<u>Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(b)(3)</u>	<u>Failure of facility owner or operator to record, in the facility's operating log, the date and amount of leakage collected from a drip pad leakage collection system.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(c)</u>	<u>Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(d)</u>	<u>Failure of facility owner or operator to ensure drip pads are designed and operated to control and collect all hazardous waste drippage.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(e)</u>	<u>Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(f)</u>	<u>Failure of facility owner or operator utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(g)</u>	<u>Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. § 264.573(a)-(f).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.573(h)</u>	<u>Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(i)</u>	<u>Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire pad.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§264.573(i)</u>	<u>Failure of facility owner or operator to log the date and procedures for each drip pad cleaning.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.573(j)</u>	<u>Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(k)</u>	<u>Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.573(l)</u>	<u>Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(m)</u>	<u>Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R. § 264.573(m).</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.573(o)</u>	<u>Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.574(a)</u>	<u>Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§264.574(b)</u>	<u>Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§264.575</u>	<u>Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	

(40 C.F.R. Part 264 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§264.1201(a)(1)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(a)(2)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(a)(3)</u>	<u>Failure of hazardous waste munitions and explosives storage unit, for wastes stored outside, to be designed and operated so that the waste and containers will not be in standing precipitation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.1201(a)(4)</u>	<u>Failure of hazardous waste munitions and explosives storage unit, for liquid wastes, to be designed and operated to provide a secondary containment system that assures that any released liquids are contained, promptly detected, and removed.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.1201(a)(5)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.1201(b)(1)</u>	<u>Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements at 40 C.F.R. § 264.1201(b)(1).</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§264.1201(b)(2)</u>	<u>Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(b)(3)</u>	<u>Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(c)</u>	<u>Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(d)</u>	<u>Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§264.1201(e)</u>	<u>Failure of hazardous waste munitions and explosives to be inventoried at least annually.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§264.1201(f)</u>	<u>Failure of hazardous waste munitions and explosives and their storage units to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.</u>	<u>\$4,500</u>	<u>NM</u>	

6. The violations of N.J.A.C.7:26G-9, Interim Status Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal 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.

(40 C.F.R. Part 265 Subpart B–General Facility Standards)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.11</u>	<u>Failure of facility owner or operator to obtain EPA identification number.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.12(a)</u>	<u>Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least 4 weeks in advance of expected delivery.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.12(b)</u>	<u>Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of 40 C.F.R. § 265 and 270.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.13(a)(1)</u>	<u>Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.13(a)(3)</u>	<u>Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.13(a)(4)</u>	<u>Failure of owner or operator of an off-site facility to inspect or analyze each hazardous waste shipment received to determine if it matches the identity specified on the manifest or shipping paper.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.13(b)</u>	<u>Failure of facility owner or operator to develop or follow a written waste analysis plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.14(a)</u>	<u>Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.14(b)</u>	<u>Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.14(c)</u>	<u>Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. § 265.14(c).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.15(a)</u>	<u>Failure of facility owner or operator to inspect for malfunctions, deterioration, errors, or discharges.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.15(b)</u>	<u>Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify problems.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.15(c)</u>	<u>Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.15(d)</u>	<u>Failure of facility owner or operator to record inspections in log or to retain required information for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.16(a)(1)</u>	<u>Failure of facility owner or operator to provide required classroom or on-the-job training for facility personnel.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.16(a)(2)</u>	<u>Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management procedures.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.16(a)(3)</u>	<u>Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.16(b)</u>	<u>Failure of facility personnel to successfully complete the training program required in 40 C.F.R. § 265.16(a) within 6 months.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.16(c)</u>	<u>Failure of facility personnel to take part in an annual review of the initial training required in 40 C.F.R. § 265.16(a).</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.16(d)</u>	<u>Failure of facility owner or operator to maintain training records at the facility</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.16(e)</u>	<u>Failure of facility owner or operator to keep training records until closure.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.17(a)</u>	<u>Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.17(b)</u>	<u>Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of incompatible wastes to take precautions to prevent reactions.</u>	<u>\$4,500</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart C-Preparedness and Prevention)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.31</u>	<u>Failure of facility owner or operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.32</u>	<u>Failure of facility owner or operator to equip facility with emergency equipment.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.33</u>	<u>Failure of facility owner or operator to test and maintain emergency equipment.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.34</u>	<u>Failure of facility owner or operator to maintain access to communications or alarm system.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.35</u>	<u>Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.37</u>	<u>Failure of facility owner or operator 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.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 265 Subpart D-Contingency Plan and Emergency Procedures)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.51(a)</u>	<u>Failure of facility owner or operator to have a contingency plan designed to minimize hazards to human health and the environment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.51(b)</u>	<u>Failure of facility owner or operator to carry out provisions of the plan immediately if there is a fire, explosion, or release.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.52(a)</u>	<u>Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.52(b)</u>	<u>Failure of facility owner or operator to</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>amend its SPCC (40 C.F.R. Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7:1E) plan to incorporate hazardous waste management provisions.</u>			
<u>§265.52(c)</u>	<u>Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.52(d)</u>	<u>Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.52(e)</u>	<u>Failure of contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.52(f)</u>	<u>Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.53</u>	<u>Failure of 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.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.54</u>	<u>Failure of facility owner or operator to review or amend contingency plan as necessary.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.55</u>	<u>Failure of emergency coordinator to be thoroughly familiar with plan or available at all times.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.56(a)-(b)</u>	<u>Failure of emergency coordinator to identify character, source, amount or areal extent of discharged materials, to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.56(c)</u>	<u>Failure of emergency coordinator to assess possible hazards to human health and the environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(d)</u>	<u>Failure of emergency coordinator to immediately notify appropriate emergency response agency of situation threatening health and the environment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(e)</u>	<u>Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(f)</u>	<u>Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(g)</u>	<u>Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(h)</u>	<u>Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.56(i)</u>	<u>Failure of facility owner or operator to notify Department and local authorities that facility is in compliance before operations are resumed.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.56(j)</u>	<u>Failure of facility owner or operator to submit written report to Department within 15 days after an incident.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 265 Subpart E-Manifest System, Recordkeeping, and Reporting)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.71(a)(1)</u>	<u>Failure of facility owner or operator to sign or date manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(a)(2)</u>	<u>Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(a)(3)</u>	<u>Failure of facility owner or operator to give transporter a copy of manifest.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(a)(4)</u>	<u>Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(a)(5)</u>	<u>Failure of facility owner or operator to retain copy of manifest for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(b)(1)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or date manifest or shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(b)(2)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy of manifest or shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(b)(3)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.71(b)(4)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.71(b)(5)</u>	<u>Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for 3 years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.72(b)</u>	<u>Failure of facility operator to reconcile a significant discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.73</u>	<u>Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R § 265.73.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.74(a)</u>	<u>Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.74(b)</u>	<u>Failure of facility owner or operator to keep any record during the course of any unresolved enforcement action or as requested by the Department.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.74(c)</u>	<u>Failure of facility owner or operator to submit copy of waste disposal locations or quantities to Department or local land authority upon closure of facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.75</u>	<u>Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.76</u>	<u>Failure of facility owner or operator receiving unmanifested waste to submit an 'Unmanifested Waste Report'.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.76</u>	<u>Failure of facility owner or operator receiving unmanifested waste to submit an 'Unmanifested Waste Report' within 15 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 265 Subpart F-Ground-Water Monitoring)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.91</u>	<u>Failure of ground water monitoring system to meet the requirements of 40 C.F.R. § 265.91.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.92</u>	<u>Failure of facility owner or operator to develop and follow a ground water sampling and analysis plan in accordance with 40 C.F.R. § 265.92.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.93</u>	<u>Failure of facility owner or operator to prepare an outline of a more comprehensive ground water monitoring program in accordance with 40 C.F.R. § 265.93.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.94</u>	<u>Failure of facility owner or operator to maintain records of ground water monitoring information or to report the information to the Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 265 Subpart G-Closure and Post-Closure)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.111</u>	<u>Failure of facility owner or operator to close in a manner that minimizes further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.112(a)</u>	<u>Failure of facility owner or operator to have written closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.112(b)</u>	<u>Failure of facility owner or operator to include in the closure plan all steps necessary to perform a partial and/or final closure of the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.112(c)</u>	<u>Failure of facility owner or operator to amend or request modification of closure plan before change.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.112(d)</u>	<u>Failure of facility owner or operator to notify Department prior to commencement of closure.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.113(a)</u>	<u>Failure of facility owner or operator to treat, remove, or dispose of waste within 90 days after final volume of wastes received in accordance with approved closure plan.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.113(b)</u>	<u>Failure of facility owner or operator to complete closure within 180 days after final volume of wastes received in accordance with approved closure plan.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.114</u>	<u>Failure of facility owner or operator to properly dispose of or decontaminate all contaminated equipment, structures, or soils.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.115</u>	<u>Failure of facility owner or operator, when closure completed, to submit its own certification or that of an independent registered professional engineer to the Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.116</u>	<u>Failure of facility owner or operator, within 60 days after closure, to submit to local authorities and Department detailed information on site.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.117(a)</u>	<u>Failure of facility owner or operator to continue proper post-closure care for 30 years and to comply with 40 C.F.R. § 265.117(a)(1)-(2).</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.117(c)</u>	<u>Failure of facility owner or operator to ensure that post-closure activity does not disturb final cover, liner(s), or containment or monitoring system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.117(d)</u>	<u>Failure of facility owner or operator to perform post-closure care activities in accordance with post-closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.118(a)</u>	<u>Failure of facility owner or operator to have written post-closure plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.118(b)</u>	<u>Failure of facility owner or operator to furnish the most current copy of post-closure plan to the Department upon request or to keep a copy of the post-closure plan with the person or office specified in 40 C.F.R. § 265.118(c)(3) during the post-closure period.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.118(c)</u>	<u>Failure of facility owner or operator to include in post-closure plan all activities that will be carried on after closure of each disposal unit and the frequency of these activities.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.118(d)</u>	<u>Failure of facility owner or operator to amend or request modification of post-closure plan when necessary.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.119(a)</u>	<u>Failure of facility owner or operator to inform the local zoning officer and the Department of the type, location, and amount of waste in each disposal unit within 60 days of receiving a certification of closure for that unit.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.119(b)</u>	<u>Failure of facility owner or operator to comply with requirements for notice in deed to property.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.120</u>	<u>Failure of facility owner or operator to certify that post-closure activities have been conducted according to the post-closure plan within 60 days of completion of the established post-closure care period.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
-----------------	---	----------------	----------	----------------

(40 C.F.R. Part 265 Subpart H-Financial Requirements)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.142(a)</u>	<u>Failure of facility owner or operator to have a written estimate of the cost of closing facility.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.142(b)</u>	<u>Failure of facility owner or operator to adjust closure cost estimate for inflation according to regulatory time frames.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.142(c)</u>	<u>Failure of facility owner or operator to revise the closure cost estimate whenever a change in the closure plan increases the cost of closure.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.142(d)</u>	<u>Failure of facility owner or operator to keep the latest closure cost estimate and adjusted closure cost estimate at the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.143</u>	<u>Failure of facility owner or operator to establish financial assurance for closure of facility.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.144(a)</u>	<u>Failure of facility owner or operator to have a written estimate of the cost of post-closure care.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.144(b)</u>	<u>Failure of facility owner or operator to adjust cost estimate of post-closure care for inflation according to regulatory time frames.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.144(c)</u>	<u>Failure of facility owner or operator to revise the post-closure care cost estimate whenever a change in the post-closure plan increases the cost of post-closure care.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.144(d)</u>	<u>Failure of facility owner or operator to keep the latest post-closure care cost estimate at the facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.145</u>	<u>Failure of facility owner or operator to establish financial assurance for post-closure care of facility.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.147(a)</u>	<u>Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.147(b)</u>	<u>Failure of facility owner or operator to meet the liability requirements for nonsudden occurrences.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.148(a)</u>	<u>Failure of facility owner or operator or guarantor to notify Department of commencement of proceeding under Title II of the Bankruptcy Code.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.148(b)</u>	<u>Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart I-Use and Management of Containers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>type of Violation</u>	<u>Grace Period</u>
<u>§265.171</u>	<u>Failure of facility owner or operator to handle hazardous waste in containers of good condition.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.172</u>	<u>Failure of facility owner or operator to</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>use container compatible with hazardous waste stored.</u>			
<u>§265.173</u>	<u>Failure of facility owner or operator to comply with requirements for the management of containers.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.174</u>	<u>Failure of facility owner or operator to perform inspection of each area where containers are stored.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.176</u>	<u>Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.177</u>	<u>Failure of facility owner or operator to comply with each of the special requirements for incompatible wastes.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.178</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 265, Subparts AA, BB, and CC.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart J-Tank Systems)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.191(a)</u>	<u>Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.191(b)</u>	<u>Failure of written assessment to comply with the requirements at 40 C.F.R. § 265.191(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.191(c)</u>	<u>Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.192(a)</u>	<u>Failure of facility owner or operator to have written assessment by a professional engineer attesting that the system has sufficient structural strength.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.192(b)</u>	<u>Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer for damage prior to covering, enclosing or placing in use.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.192(c)</u>	<u>Failure of facility owner or operator of new tank system or components to use appropriate backfill material.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.192(d)</u>	<u>Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing or placing in use.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.192(e)</u>	<u>Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.192(f)</u>	<u>Failure of facility owner or operator to provide proper corrosion protection for new tank systems.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.192(g)</u>	<u>Failure of facility owner or operator to obtain and keep on record certifications from those professionals responsible for tank system design and installation.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.193(a)</u>	<u>Failure of facility owner or operator to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. § 265.193(a).</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.193(b)(1)</u>	<u>Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(b)(2)</u>	<u>Failure of secondary containment system to detect and collect releases and accumulated liquids.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(c)(1)</u>	<u>Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(c)(2)</u>	<u>Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(c)(3)</u>	<u>Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structure(s) or the presence of a release.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(c)(4)</u>	<u>Failure of facility owner or operator to remove accumulated precipitation or spilled or leaked waste from secondary containment within 24 hours.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(d)</u>	<u>Failure of facility owner or operator to provide secondary containment featuring an approved device.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(e)(1)</u>	<u>Failure of external liner system to meet requirements at 40 C.F.R. § 265.193(e)(1).</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.193(e)(2)</u>	<u>Failure of vault system to meet requirements at 40 C.F.R. § 265.193(e)(2).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(e)(3)</u>	<u>Failure of double-walled tank to meet requirements at 40 C.F.R. § 265.193(e)(3).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.193(f)</u>	<u>Failure of facility owner or operator to provide secondary containment for ancillary equipment.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.194(a)</u>	<u>Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.194(b)</u>	<u>Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.195(a)(1)</u>	<u>Failure of facility owner or operator to inspect overfill/spill control equipment each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.195(a)(2)</u>	<u>Failure of facility owner or operator to inspect aboveground portions of tank system for corrosion or releases of waste each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.195(a)(3)</u>	<u>Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.195(a)(4)</u>	<u>Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system for erosion or signs of releases each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§265.195(b)</u>	<u>Failure of facility owner or operator to inspect cathodic protection systems.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.195(c)</u>	<u>Failure of facility owner or operator to document inspections in facility operating record.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.196(a)</u>	<u>Failure of facility owner or operator to cease using a tank from which a release occurred or which is unfit for use.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.196(b)</u>	<u>Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.196(c)</u>	<u>Failure of facility owner or operator to prevent further migration of the release to soils or water or to remove and dispose of any visible contamination of soil or water.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.196(d)</u>	<u>Failure of facility owner or operator to report a release within 24 hours or to submit a spill report within 30 days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.196(e)</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 265.196(e)(2)-(4) prior to placing a tank back in service following a release.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.196(f)</u>	<u>Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.197(a)</u>	<u>Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.197(c)</u>	<u>Failure of facility owner or operator that has a tank system without secondary containment to comply with requirements at 40 C.F.R. § 265.197(c).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.198(a)</u>	<u>Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.198(b)</u>	<u>Failure of facility owner or operator storing or treating ignitable or reactive wastes in tanks to comply with NFPA's buffer zone requirements for tanks.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.199(a)</u>	<u>Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. § 265.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.199(b)</u>	<u>Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which is not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 265.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.200</u>	<u>Failure of facility owner or operator utilizing a tank system to conduct waste analysis and trial treatment or storage tests before treating/storing different waste or using a different process.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.201(b)(2)</u>	<u>Failure of small quantity generator to prevent hazardous waste or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.201(b)(3)</u>	<u>Failure of small quantity generator to maintain at least 2 feet of freeboard for uncovered tanks.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.201(b)(4)</u>	<u>Failure of small quantity generator utilizing tank storage featuring a continuous feed to install a means to stop this inflow.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.201(c)(1)</u>	<u>Failure of small quantity generator to inspect discharge control equipment each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.201(c)(2)</u>	<u>Failure of small quantity generator to inspect data gathered from monitoring equipment each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.201(c)(3)</u>	<u>Failure of small quantity generator to inspect level of waste in tank each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.201(c)(4)</u>	<u>Failure of small quantity generator to inspect construction materials weekly.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.201(c)(5)</u>	<u>Failure of small quantity generator to inspect the construction materials of, and the area immediately surrounding, discharge confinement structures weekly.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.201(d)</u>	<u>Failure of small quantity generator at closure to remove all waste from tanks, discharge control equipment, and discharge confinement structures.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.201(e)(1)</u>	<u>Failure of small quantity generator to meet specific requirements before placing ignitable or reactive waste in a tank.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.201(e)(2)</u>	<u>Failure of small quantity generator storing or treating ignitable or reactive waste in a tank to comply with NFPA's buffer zone requirements for tanks.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.201(f)(1)</u>	<u>Failure of small quantity generator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. § 265.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.201(f)(2)</u>	<u>Failure of small quantity generator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 40 C.F.R. § 265.17(b).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.202</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 265, Subparts AA, BB, and CC.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart K-Surface Impoundments)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.221(a)</u>	<u>Failure of facility owner or operator utilizing surface impoundments to install two or more liners and a leachate collection system.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.221(f)</u>	<u>Failure of facility owner or operator utilizing surface impoundments to maintain sufficient freeboard to prevent overtopping of the dike by overfilling, wave action, or a storm.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.223</u>	<u>Failure of facility owner or operator who stores hazardous waste in a surface impoundment to have an approved response action plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.225</u>	<u>Failure of facility owner or operator utilizing a surface impoundment to conduct waste analysis and trial treatment tests before treating different waste or using a different process.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.226</u>	<u>Failure of facility owner or operator to comply with monitoring and inspection requirements of surface impoundments.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.228(a)</u>	<u>Failure of facility owner or operator to ensure that all waste residues have been removed, all containment systems and subsoils have been decontaminated and managed as hazardous waste, and provide post-closure care for a landfill when closing a surface impoundment.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.228(b)</u>	<u>Failure of facility owner or operator to comply with maintenance and monitoring requirements during post-closure of surface impoundments.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.229</u>	<u>Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.230</u>	<u>Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface impoundment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.231</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R § 265, Subparts BB and CC.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart L-Waste Piles)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.251</u>	<u>Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.252</u>	<u>Failure of facility owner or operator to conduct a waste analysis of each incoming waste movement prior to adding the waste to a waste pile.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.253</u>	<u>Failure of facility owner or operator storing waste in piles to provide proper leachate, run-off, and run-on controls.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.254</u>	<u>Failure of facility owner or operator utilizing waste piles to install two or more liners and a leachate collection system both above and between the liners.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.256</u>	<u>Failure of facility owner or operator to ensure that ignitable or reactive wastes are not placed in waste piles or are managed in such a way as to protect it from any conditions that may make it ignite or react.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.257</u>	<u>Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.258</u>	<u>Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.259</u>	<u>Failure of facility owner or operator who stores hazardous waste in a waste pile to have an approved response action plan.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.260</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 265 Subpart M-Land Treatment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§265.272(a)</u>	<u>Failure of facility owner or operator conducting land treatment to ensure that the hazardous constituents in the waste will be made less hazardous or nonhazardous by the processes occurring in the treatment zone.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.272(b)</u>	<u>Failure of facility owner or operator utilizing land treatment to have a run-on control system capable of preventing flow into the treatment zone during a 25-year storm.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.272(c)</u>	<u>Failure of facility owner or operator utilizing land treatment to have a run-off management system capable of collecting and controlling flow during a 25-year storm.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.272(d)</u>	<u>Failure of facility owner or operator utilizing land treatment to empty run-on and run-off holding facilities expeditiously following a storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.272(e)</u>	<u>Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.273</u>	<u>Failure of facility owner or operator conducting land treatment to ensure that all wastes to be placed in the treatment zone are analyzed to determine if they meet the standards of 40 C.F.R. § 265.273.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.276</u>	<u>Failure of facility owner or operator to comply with 40 C.F.R. § 265.276 when growing food-chain crops on or in the treatment zone.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart N-Landfills)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§265.301(b)</u>	<u>Failure of facility owner or operator to make appropriate notifications prior to accepting hazardous waste for storage in a landfill unit.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.301(f)</u>	<u>Failure of facility owner or operator of hazardous waste landfill to manage run-on system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.301(g)</u>	<u>Failure of facility owner or operator of hazardous waste landfill to manage run-off system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.301(h)</u>	<u>Failure of facility owner or operator of hazardous waste landfill to empty or manage run-on/run-off systems after storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.301(i)</u>	<u>Failure of facility owner or operator who landfills hazardous waste to manage the landfill in a manner to control wind dispersal of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.304(a)</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.304(b)</u>	<u>Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump in accordance with 40 C.F.R. § 265.304(b) following the closure period of a hazardous waste landfill.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.309(a)</u>	<u>Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.309(b)</u>	<u>Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.310(a)</u>	<u>Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.310(b)(1)</u>	<u>Failure of facility owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other events.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.310(b)(2)</u>	<u>Failure of facility owner or operator to maintain and monitor the leak detection system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.310(b)(3)</u>	<u>Failure of facility owner or operator who landfills hazardous waste to comply with all ground water monitoring, sampling, and reporting requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.310(b)(4)</u>	<u>Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.310(b)(5)</u>	<u>Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with 40 C.F.R. § 265.309.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.312(a)</u>	<u>Facility owner or operator of hazardous waste landfill placed ignitable or reactive wastes in a hazardous waste landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.312(b)</u>	<u>Failure of facility owner or operator to comply with special handling instructions for the placement of ignitable wastes in landfill units.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.313</u>	<u>Facility owner or operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.314(b)</u>	<u>Facility owner or operator placed bulk or non-containerized liquids in landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.314(c)</u>	<u>Facility owner or operator placed containerized liquids in hazardous waste landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.314(d)</u>	<u>Failure of facility owner or operator to utilize an approved testing method to determine if a waste to be placed in a hazardous waste landfill contains free liquids.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.315</u>	<u>Failure of facility owner or operator to comply with special requirements for containers.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.316(a)</u>	<u>Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.316(b)</u>	<u>Failure of metal outer container to be full after packing with inside containers and absorbent material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.316(c)</u>	<u>Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with, being decomposed by, or being ignited by the contents inside the containers.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.316(d)</u>	<u>Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.</u>	<u>\$5,000</u>	<u>NM</u>	

<u>§265.316(e)</u>	<u>Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.</u>	<u>\$5,000</u>	<u>NM</u>	
--------------------	---	----------------	-----------	--

(40 C.F.R. Part 265 Subpart O-Incinerators)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.341</u>	<u>Failure of facility owner or operator to sufficiently analyze waste not previously burned.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.345</u>	<u>Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.347(a)</u>	<u>Failure of facility owner or operator of incinerator to conduct monitoring of combustion and emission control instruments at least every 15 minutes or to make appropriate corrections immediately</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.347(b)</u>	<u>Failure of facility owner or operator to completely inspect incinerator or associated equipment at least daily.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.351</u>	<u>Failure of facility owner or operator to remove all hazardous wastes and hazardous waste residues from the incinerator at closure.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart P-Thermal Treatment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.373</u>	<u>Failure of facility owner or operator to bring thermal treatment process to normal operating conditions before adding hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.375</u>	<u>Failure of facility owner or operator to sufficiently analyze waste not previously treated.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.377(a)(1)</u>	<u>Failure of facility owner or operator when thermally treating hazardous waste to monitor instruments relating to temperature and emission control at least every 15 minutes.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.377(a)(2)</u>	<u>Failure of facility owner or operator when thermally treating hazardous waste to observe stack plume at least hourly.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.377(a)(3)</u>	<u>Failure of facility owner or operator when thermally treating hazardous waste to inspect process and associated equipment for leaks, spills, etc; at least daily.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.381</u>	<u>Failure of facility owner or operator at closure to remove all hazardous waste and residues from thermal treatment process.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.382</u>	<u>Failure of facility owner or operator to prevent the open burning of any hazardous waste or the open burning and detonation of waste explosives too close to property line.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart Q – Chemical, Physical, and Biological Treatment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.401(b)</u>	<u>Failure of facility owner or operator to prevent placing of hazardous wastes in treatment process if they could cause process to leak, corrode, or fail.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.401(c)</u>	<u>Failure of facility owner or operator to provide continuously fed treatment process with a mechanism to stop inflow.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.402(a)</u>	<u>Failure of facility owner or operator to conduct waste analysis and trial treatment tests before treating different waste or using a different process.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.403(a)(1)</u>	<u>Failure of facility owner or operator to inspect discharge control and safety equipment at least once each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.403(a)(2)</u>	<u>Failure of facility owner or operator to inspect data from monitoring equipment at least once each operating day.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.403(a)(3)</u>	<u>Failure of facility owner or operator to inspect construction materials at least weekly.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.403(a)(4)</u>	<u>Failure of facility owner or operator to monitor and inspect discharge confinement structures for erosion or leakage at least weekly.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.404</u>	<u>Failure of facility owner or operator to remove all hazardous waste and residues at closure.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.405</u>	<u>Failure of facility owner or operator to prevent placing ignitable or reactive waste in treatment process unless it is treated accordingly.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§265.406(a)</u>	<u>Failure of facility owner or operator to prevent the placing of incompatible wastes in the treatment process.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§265.406(b)</u>	<u>Failure of facility owner or operator to prevent the placing of hazardous waste in unwashed treatment equipment which previously held incompatible waste or material.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart W-Drip Pads)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.443(a)</u>	<u>Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, bermed, and of sufficient structural strength or to obtain an engineer’s evaluation, recertified annually.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.443(b)(1)</u>	<u>Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.443(b)(2)</u>	<u>Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(b)(3)</u>	<u>Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(b)(3)</u>	<u>Failure of facility owner or operator to record in the facility’s operating log the date and amount of leakage collected in the leakage collection system</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.443(c)</u>	<u>Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(d)</u>	<u>Failure of facility owner or operator to ensure drip pads are designed and operated to control and collect all hazardous waste drippage.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§265.443(e)</u>	<u>Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.443(f)</u>	<u>Failure of facility owner or operator utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.443(g)</u>	<u>Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. § 265.443.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.443(h)</u>	<u>Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(i)</u>	<u>Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire pad.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(i)</u>	<u>Failure of facility owner or operator to record in the facility's operating log the date and procedures for each cleaning.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.443(j)</u>	<u>Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(k)</u>	<u>Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.443(l)</u>	<u>Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.443(m)</u>	<u>Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R. § 265.443(m).</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.443(n)</u>	<u>Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.444(a)</u>	<u>Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.444(b)</u>	<u>Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§265.445</u>	<u>Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.</u>	<u>\$4,500</u>	<u>NM</u>	

(40 C.F.R. Part 265 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§265.1201(a)(1)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.1201(a)(2)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.1201(a)(3)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that the waste and containers will not be in standing precipitation, for wastes stored outdoors.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.1201(a)(4)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that any released liquids are contained, promptly detected, and removed (for liquid wastes).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.1201(a)(5)</u>	<u>Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.1201(b)(1)</u>	<u>Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements of 40 C.F.R. § 265.1201(b)(1).</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§265.1201(b)(2)</u>	<u>Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.1201(b)(3)</u>	<u>Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§265.1201(c)</u>	<u>Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.1201(d)</u>	<u>Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§265.1201(e)</u>	<u>Failure of hazardous waste munitions and explosives to be inventoried at least annually.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§265.1201(f)</u>	<u>Failure of hazardous waste munitions and explosives and their storage units to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.</u>	<u>\$4,500</u>	<u>NM</u>	

7. The violations of N.J.A.C.7:26G-10, Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management 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.

(40 C.F.R. Part 266 Subpart C-Recyclable Materials Used in a Manner Constituting Disposal)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§266.23(b)</u>	<u>Failure of facility owner or operator to ensure hazardous waste or dioxin contaminated waste is not used for dust suppression or road treatment.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 266 Subpart F-Recyclable Materials Utilized for Precious Metal Recovery)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§266.70(c)</u>	<u>Failure to maintain required records of hazardous wastes to be reclaimed for precious metals content.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 266 Subpart H-Hazardous Waste Burned in Boilers and Industrial Furnaces)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§266.102</u>	<u>Failure of facility owner or operator who is burning hazardous wastes in boilers or industrial furnaces to meet the requirements of 40 C.F.R. § 266.102 and the facility permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.103</u>	<u>Failure of facility owner or operator with an existing boiler or industrial furnace who is burning hazardous waste on an interim basis to meet the requirements of 40 C.F.R. § 266.103.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.104</u>	<u>Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required destruction and removal efficiency standard.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.105</u>	<u>Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for emitted particulate matter.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.106</u>	<u>Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for metal emissions.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.107</u>	<u>Failure of facility owner or operator who is burning hazardous wastes in a boiler or</u>	<u>Matrix</u>	<u>NM</u>	

	<u>industrial furnace to meet the required standards for HCl and chlorine gas emissions.</u>			
<u>§266.111</u>	<u>Failure of facility owner or operator when transferring hazardous wastes directly from a vehicle to a boiler or industrial furnace to meet the requirements of 40 C.F.R. § 266.111.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 266 Subpart M–Military Munitions)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§266.203(a)(2)</u>	<u>Failure of facility owner or operator to notify the Department if the military munitions waste is not received within 45 days of being shipped.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§266.205(b)</u>	<u>Failure of facility owner or operator to notify the Department when a storage unit identified in 40 C.F.R. § 266.205(a)(1)(iv) will no longer be used to store military munitions.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

8. The violations of N.J.A.C.7:26G-11, Land Disposal Restrictions, 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.

(40 C.F.R. Part 268 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§268.3(a)</u>	<u>Failure of generator, transporter, or facility to ensure that a restricted waste is not in any way diluted as a substitute for treatment.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.4</u>	<u>Failure of facility owner or operator utilizing a surface impoundment for the treatment of hazardous waste to comply</u>	<u>Matrix</u>	<u>NM</u>	

	<u>with the requirements of 40 C.F.R. § 268.4.</u>			
<u>§268.7(a)(1)</u>	<u>Failure of generator to determine if the hazardous waste must be treated prior to land disposal.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.7(a)(2)</u>	<u>Failure of generator to send a one-time written notice with the initial waste shipment, or updates as required, to the treatment or storage facility when the waste does not meet the treatment standard or to place a copy in the file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(a)(3)</u>	<u>Failure of generator to send a one-time written notice and certification with the initial waste shipment, or updates as required, to the treatment, storage, or disposal facility when the waste meets the treatment standard or to place a copy in the file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(a)(4)</u>	<u>Failure of generator of waste exempt from meeting treatment standards before being land disposed to send a one-time written notice with the initial waste shipment, or updates as required, to the land disposal facility or to place a copy in the file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(a)(5)</u>	<u>Failure of generator who is managing and treating prohibited waste to develop and follow a written waste analysis plan or to keep plan on site.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.7(a)(6)</u>	<u>Failure of generator to retain on site all data used to determine if a waste is restricted.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(a)(7)</u>	<u>Failure of generator to keep a one-time notice on site stating that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste subsequent to the point of generation and noting the disposition of the waste.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§268.7(a)(8)</u>	<u>Failure of generator to retain documentation required by 40 C.F.R. § 268.7 for 3 years or longer during the course of any unresolved enforcement action or as requested by the Department.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§268.7(a)(9)</u>	<u>Failure of generator using the alternative treatment standards for lab packs to send a one-time written notice and certification with the initial waste shipment, or updates as required, to the treatment facility or to place a copy in the file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(a)(10)</u>	<u>Failure of small quantity generator with tolling agreements to comply with applicable notification and certification requirements for the initial shipment of waste subject to the tolling agreement or to retain copy(s) on site.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(b)(1)</u>	<u>Failure of treatment facility to test an extract of the treatment residues for wastes with treatment standards expressed in the waste extract (TCLP) to assure that it meets the applicable treatment standards.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.7(b)(2)</u>	<u>Failure of treatment facility to test the treatment residues for waste with treatment standards expressed as concentrations in the waste to assure that they meet the applicable treatment standards.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.7(b)(3)</u>	<u>Failure of treatment facility to send a one-time notice with the initial waste shipment, or updates as required, to the land disposal facility or to place a copy in the file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(b)(4)</u>	<u>Failure of treatment facility to send a one-time certification with the initial waste</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>shipment to the land disposal facility or to place a copy in the file.</u>			
<u>§268.7(b)(6)</u>	<u>Failure of treatment facility to submit a notice and certification to the Department with each shipment of recyclable materials used in a manner constituting disposal or to keep records of each entity receiving the waste-derived product.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(c)(1)</u>	<u>Failure of land disposal facility disposing restricted waste to have copies of the applicable notices and certifications.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§268.7(c)(2)</u>	<u>Failure of land disposal facility disposing of restricted waste to test the waste to assure it is in compliance with the applicable treatment standards.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.7(d)</u>	<u>Failure of generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste to meet the proper notification and certification requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§268.9(a)</u>	<u>Failure of generator of a waste that displays a hazardous characteristic to determine the underlying hazardous constituents in the waste.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.9(c)</u>	<u>Failure of generator to ensure a prohibited waste exhibiting a characteristic complies with the treatment standards under 40 C.F.R. § 268, Subpart D before being land disposed.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§268.9(d)</u>	<u>Failure of generator or treater of a waste that once exhibited a characteristic but is no longer hazardous to place a one-time notification and certification in its files or to send to the Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(40 C.F.R. Part 268 Subpart C-Prohibitions on Land Disposal)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base</u>	<u>Type of</u>	<u>Grace</u>
-------------	---------------------	-------------	----------------	--------------

		<u>Penalty or Matrix</u>	<u>Violation</u>	<u>Period</u>
<u>§268.30</u>	<u>Failure to comply with land disposal prohibitions of wood preserving wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.31</u>	<u>Failure to comply with land disposal prohibitions of dioxin-containing wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.32</u>	<u>Failure to comply with land disposal prohibitions of soils exhibiting the toxicity characteristic for metals and containing PCBs.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.33</u>	<u>Failure to comply with land disposal prohibitions of chlorinated aliphatic wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.34</u>	<u>Failure to comply with land disposal prohibitions of toxicity characteristic metal wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.35</u>	<u>Failure to comply with land disposal prohibitions of petroleum refining wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.36</u>	<u>Failure to comply with land disposal prohibitions of inorganic chemical wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.37</u>	<u>Failure to comply with land disposal prohibitions of ignitable and corrosive characteristic wastes whose treatment standards were vacated.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.38</u>	<u>Failure to comply with land disposal prohibitions of newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.39</u>	<u>Failure to comply with land disposal prohibitions of spent aluminum potliners; reactive; and carbamate wastes.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 268 Subpart D-Treatment Standards)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§268.40</u>	<u>Failure to meet treatment standard requirements found in the table in 40 C.F.R. § 268.40 before land disposing of prohibited waste.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.45</u>	<u>Failure to meet treatment standards before land disposing of hazardous debris.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.48</u>	<u>Failure to meet treatment standards for underlying hazardous constituents.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§268.49</u>	<u>Failure to comply with alternative LDR treatment standards for contaminated soil.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 268 Subpart E-Prohibitions on Storage)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§268.50(a)(1)</u>	<u>Failure of generator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§268.50(a)(2)</u>	<u>Failure of facility owner or operator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal or to clearly mark each container or tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§268.50(a)(3)</u>	<u>Transporter stored restricted waste at a transfer facility for greater than 10 days.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§268.50(b)</u>	<u>Owner or operator of a treatment facility stored restricted waste for greater than one year.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§268.50(f)</u>	<u>Failure of owner or operator of a treatment facility to treat or dispose of liquid hazardous waste containing PCBs at concentrations equal to or greater than 50 ppm within one year of the date the wastes were placed in storage.</u>	<u>\$4,500</u>	<u>NM</u>	

9. The violations of N.J.A.C.7:26G-12, Hazardous Waste Permit Program, 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.

(40 C.F.R. Part 270 Subpart B-Permit Application)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§270.10(e)-(f)</u>	<u>Constructed, installed, modified, or operated hazardous waste facility without submitting Part A or Part B of permit application.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 270 Subpart C-Permit Conditions)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§270.30(a)</u>	<u>Failure of permittee to comply with all conditions of permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(b)</u>	<u>Failure of permittee to apply for a new hazardous waste permit following expiration of initial permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(d)</u>	<u>Failure of permittee to take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with permit.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§270.30(e)</u>	<u>Failure of permittee to properly operate and maintain systems of treatment and control used to achieve compliance with conditions of permit.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(h)</u>	<u>Failure of permittee to furnish to the Department within a reasonable time any information that the Department may request or copies of records required to be kept by permit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§270.30(i)</u>	<u>Failure of permittee to allow an authorized representative of the Department to enter facility, have access to and copy any records, inspect facilities, equipment etc., and sample or monitor any substances or parameters that are required by permit.</u>	<u>\$25,000</u>	<u>NM</u>	
<u>§270.30(i)(1)</u>	<u>Failure of permittee to take samples and measurements that are representative of the monitored activity.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§270.30(i)(2)</u>	<u>Failure of permittee to retain records of required information regarding monitoring sampling and measurements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§270.30(i)(3)</u>	<u>Failure of permittee to record specific monitoring data.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§270.30(k)</u>	<u>Failure of permittee to sign and certify all applications, reports, or information submitted to Department.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§270.30(l)(1)</u>	<u>Failure of permittee to give notice to Department as soon as possible of any planned physical alterations or additions to permitted facility.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§270.30(l)(2)</u>	<u>Failure of permittee to give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§270.30(l)(4)</u>	<u>Failure of permittee to report monitoring results at intervals specified in permit.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§270.30(l)(5)</u>	<u>Failure of permittee to submit compliance reports on interim or final requirements in any compliance schedule within 14 days after schedule date.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§270.30(l)(6)(i)(A)</u>	<u>Failure of permittee to report, orally within 24 hours, information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(l)(6)(i)(B)</u>	<u>Failure of permittee to report, orally within 24 hours, information concerning a release or discharge of hazardous waste, or of a fire or explosion from a hazardous waste facility which could threaten the environment or human health outside the facility.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(l)(6)(iii)</u>	<u>Failure of permittee to report any noncompliance which may endanger health or the environment in writing within five days.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§270.30(l)(10)</u>	<u>Failure of permittee to report all instances of noncompliance not reported under 40 C.F.R § 270.30(l)(4), (5), and (6) at time monitoring reports submitted.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§270.30(l)(11)</u>	<u>Failure of permittee to submit relevant facts and correct information when the permittee becomes aware that it failed to submit such facts or information in permit application.</u>	<u>\$5,000</u>	<u>NM</u>	

(40 C.F.R. Part 270 Subpart D-Changes to Permits)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§270.40(b)</u>	<u>Failure of permittee to obtain written approval in advance of any proposed change of ownership or operational control.</u>	<u>Matrix</u>	<u>NM</u>	

(40 C.F.R. Part 270 Subpart G-Interim Status)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§270.71(a)(1)</u>	<u>Owner or operator of an interim status facility treated, stored, or disposed of hazardous waste types not specified in Part A application.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§270.71(a)(2)</u>	<u>Owner or operator of an interim status facility employed processes not specified in Part A application.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§270.71(a)(3)</u>	<u>Owner or operator of an interim status facility exceeded design capacities or operational limits specified in Part A application.</u>	<u>\$10,000</u>	<u>NM</u>	
<u>§270.72(b)</u>	<u>Interim status facility owner or operator made changes to facility, which amounted to reconstruction of facility.</u>	<u>\$5,000</u>	<u>NM</u>	

10. The violations of N.J.A.C.7:26G-7.3(a)1, incorporating the Hazardous Materials Transportation Regulations (49 C.F.R. Parts 130, 171 through 180) by reference, and of N.J.A.C.7:26G-7.3(a)2, incorporating the Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 397) by reference, 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.

(49 C.F.R. Part 130)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§130.11(a)</u>	<u>Person offered oil for transportation without a document that indicated the shipment contained oil.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§130.11(b)</u>	<u>Person transported oil without a readily available document indicating that the shipment contained oil.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§130.21</u>	<u>Person used a package that allowed a release of oil.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§130.31(a)</u>	<u>Carrier transported oil without a current basic discharge plan.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§130.33</u>	<u>Failure of carrier to implement a response plan.</u>	<u>Matrix</u>	<u>NM</u>	

(49 C.F.R. Part 171)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§171.2(a)</u>	<u>Failure of a person offering or accepting a hazardous material to be registered with the Federal DOT or offering or accepting an improperly prepared package.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§171.2(b)</u>	<u>Failure of person transporting a hazardous material to be registered with the Federal DOT or to properly handle or transport hazardous materials.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§171.2(f)(1)</u>	<u>Person represented that a container or package for transportation meets requirements of 49 C.F.R. when it did not.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§171.2(f)(2)</u>	<u>Person represented that a hazardous material was present in a package, container, or motor vehicle when it was not.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§171.2(g)(1)</u>	<u>Person tampered with a marking, label, placard, or description on a document.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§171.2(g)(2)</u>	<u>Person tampered with a package, container, or motor vehicle used for hazardous materials transportation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§171.3(b)(1)</u>	<u>Failure of carrier to mark motor vehicle used to transport hazardous waste (for which a manifest is required) in accordance with 49 C.F.R §§ 390.21 or 1058.2.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§171.15</u>	<u>Failure of carrier to give immediate notice of an incident by telephone to Federal DOT.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§171.16(a)</u>	<u>Failure of carrier to submit a written report to Federal DOT within 30 days of discovery of an incident.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§171.16(b)</u>	<u>Failure of carrier to retain a copy of an incident report at its principal place of business for two years.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 172 Subpart C-Shipping Papers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§172.200(a)</u>	<u>Failure of shipper to describe the hazardous material on a shipping paper.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.201(a)(1)-(4)</u>	<u>Failure of shipper to use a proper description on a shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.201(c)</u>	<u>Failure of shipper using continuation page(s) to be consecutively numbered or the first page to contain a notation specifying the total number of pages.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.202(a)(1)-(5)</u>	<u>Failure of shipper to include as part of the shipping description the proper shipping name, hazard class or division, ID number, packing group, and total quantity.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.202(b)</u>	<u>Failure of shipper to show shipping description in the proper sequence with no additional information interspersed.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.202(c)</u>	<u>Failure of shipper to list the total quantity before or after, or both before and after, the basic description.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.202(e)</u>	<u>Shipper offered or carrier transported a material that is not a hazardous material with a hazard class or ID number in the shipping description.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.203(a)</u>	<u>Failure of shipper to enter “DOT-E” followed by exemption number on the shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§172.203(c)(1)</u>	<u>Failure of shipper to enter the name of the hazardous substance or hazardous waste code in the shipping description when the proper shipping name does not identify the hazardous substance by name.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.203(c)(2)</u>	<u>Failure of shipper to enter the letters “RQ” on the shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.203(k)</u>	<u>Failure of shipper to enter the technical names of the hazardous material in the shipping description for n.o.s. or other generic descriptions.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.203(l)</u>	<u>Failure of shipper to enter the name of the component which makes a material a marine pollutant in the shipping description when not identified or to enter the words “Marine Pollutant”.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.203(m)</u>	<u>Failure of shipper to enter the proper information in the shipping description for poisonous materials.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.205(a)</u>	<u>Failure of carrier to properly prepare a hazardous waste manifest.</u>	<u>\$5,000</u>	<u>NM</u>	

(49 C.F.R. Part 172 Subpart D-Marking)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§172.300(a)</u>	<u>Failure of shipper to properly mark each package, freight container, or transport vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§172.300(b)</u>	<u>Failure of carrier to properly mark each package, freight container, or transport vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.301(a)(1)</u>	<u>Failure of shipper to mark non-bulk packaging with the proper shipping name and ID number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.301(a)(3)</u>	<u>Failure of shipper of a single hazardous material in non-bulk packages in a transport vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.301(b)</u>	<u>Failure of shipper to mark non-bulk packaging subject to 49 C.F.R § 172.203(k) with the technical name of the hazardous material.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.301(c)</u>	<u>Failure of shipper to mark the outside of a non-bulk package, authorized by an exemption, with “DOT-E” followed by exemption number.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.302(a)</u>	<u>Failure of shipper or carrier to properly mark bulk packaging with the ID number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.302(b)</u>	<u>Failure of shipper or carrier to display markings of proper size on bulk packagings.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§§172.302(c)</u>	<u>Failure of shipper or carrier to mark the outside of a bulk package, authorized by an exemption, with “DOT-E” followed by exemption number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.302(d)</u>	<u>Failure of shipper or carrier to maintain marking on bulk packaging when emptied.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§172.302(g)</u>	<u>Failure of shipper or carrier to comply with fumigation marking requirements.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§172.303(a)</u>	<u>Shipper offered or carrier transported a package that did not contain the hazardous material marked on the package.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§172.304(a)(1)-(4)</u>	<u>Failure of shipper or carrier to meet the marking requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.308(a)</u>	<u>Failure of shipper or carrier to use only authorized abbreviations.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.312(a)</u>	<u>Failure of shipper of non-bulk combination package with inner packagings containing liquid hazardous material to pack with closures upward and with package orientation markings.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.312(b)</u>	<u>Shipper displayed arrows for purposes other than to indicate proper package orientation on a non-bulk package containing liquid hazardous material.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.313(a)</u>	<u>Failure of shipper or carrier to mark packaging containing a material poisonous by inhalation with “Inhalation Hazard” (marking must be on two opposing sides of a bulk packaging).</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.313(b)</u>	<u>Failure of shipper or carrier to permanently mark non-bulk plastic outer packaging used as a single or composite packaging for Division 6.1 materials with “POISON” in letters at least 6.3 mm high.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§172.313(c)</u>	<u>Failure of shipper or carrier of a material poisonous by inhalation in non-bulk packages in a transport vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.316(a)</u>	<u>Failure of shipper or carrier to mark non-bulk packaging with the ORM-D designation on at least one side or end within a rectangle that is ~6.3mm larger on each side than the designation.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.322(b)(1)-(2)</u>	<u>Failure of shipper or carrier to properly mark bulk packaging with the MARINE POLLUTANT mark.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.322(c)</u>	<u>Failure of shipper or carrier to properly mark a transport vehicle or freight container used to transport a package containing a marine pollutant with the MARINE POLLUTANT mark.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.322(e)</u>	<u>Failure of shipper or carrier to use the proper MARINE POLLUTANT mark.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.323(a)-(d)</u>	<u>Failure of shipper or carrier to comply with marking requirements for bulk regulated medical waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.324(a)</u>	<u>Failure of shipper to mark non-bulk packaging with the name of the hazardous substance or hazardous waste code when not identified by name.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>

<u>§172.324(b)</u>	<u>Failure of shipper to mark the letters “RQ” on a non-bulk package containing a hazardous substance.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.326(a)</u>	<u>Failure of shipper or carrier to mark a portable tank on two opposing sides with the proper shipping name.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.326(b)</u>	<u>Failure of shipper or carrier to display the name of the owner or lessee on a portable tank.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.326(c)(1)</u>	<u>Failure of shipper or carrier to mark a transport vehicle or freight container used to transport a portable tank with ID number if not visible on portable tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.326(c)(2)</u>	<u>Failure of shipper of a portable tank in a transport vehicle or freight container to provide ID number markings to motor carrier if not visible on portable tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.328(a)(1)-(3)</u>	<u>Failure of shipper or carrier to provide, affix, or mark the ID number on a cargo tank or on the transport vehicle or freight container if not visible on cargo tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.331(a)-(c)</u>	<u>Failure of shipper or carrier to provide, affix, or mark the ID number on bulk packaging other than portable tanks or cargo tanks or on the transport vehicle or freight container if not visible on bulk packaging.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.332(c)-(d)</u>	<u>Failure of shipper or carrier to properly display ID number on placard.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§172.334(a)-(g)</u>	<u>Person displayed an ID number in a prohibited manner.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.336(a)</u>	<u>Failure of shipper or carrier, displaying ID numbers on transport vehicle or freight container that are not required or prohibited, to display proper ID numbers.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.336(b)</u>	<u>Failure of shipper or carrier to properly display ID number on orange panels and/or plain white square-on-point configuration.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.338</u>	<u>Failure of carrier to replace missing or damaged ID number as soon as practical or to properly enter ID number when done by hand.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 172 Subpart E-Labeling)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§172.400(a)-(b)</u>	<u>Failure of shipper or carrier to properly label packages or containment devices.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.401(a)</u>	<u>Shipper or carrier labeled a package that did not contain a hazardous material or without representing the hazard of the material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.401(b)</u>	<u>Shipper or carrier marked or labeled a package that could be confused with or conflicts with a label prescribed by 49 C.F.R § 172.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.402(a)(1)-(2)</u>	<u>Failure of shipper or carrier to label packages with primary and subsidiary hazard labels.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§172.402(b)</u>	<u>Failure of shipper or carrier to display the hazard class or division number in lower corner of primary label.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.404(a)</u>	<u>Failure of shipper or carrier to use label for each hazard class when hazardous materials having different classes are packed within the same packaging.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.404(b)</u>	<u>Failure of shipper or carrier to use label for each hazard class when two or more packages containing compatible hazardous material are placed within the same outside container or overpack.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.406(a)(1)-(2)</u>	<u>Failure of shipper or carrier to place label in the proper location on the package or containment device.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.406(c)</u>	<u>Failure of shipper or carrier to place primary and subsidiary hazard labels within six inches of one another.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.406(d)</u>	<u>Failure of shipper or carrier to place label on a background of contrasting color or have a dotted or solid line outer border.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.406(e)</u>	<u>Failure of shipper or carrier to place duplicate labels on at least two sides.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.406(f)</u>	<u>Failure of label to be clearly visible and not obscured by markings or attachments.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.407(a)</u>	<u>Failure of shipper or carrier to use a durable and weather resistant label.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§172.407(b)</u>	<u>Failure of shipper or carrier to use a label design as shown in 49 C.F.R. § §172.411 through 172.448.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.407(c)(1)-(5)</u>	<u>Failure of shipper or carrier to use a label, or numerals or text on a label, of proper size.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.407(d)(1)-(5)</u>	<u>Failure of shipper or carrier to use the proper colors on a label.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 172 Subpart F-Placarding)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§172.502(a)(1)-(2)</u>	<u>Shipper or carrier displayed prohibited placarding.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.502(c)</u>	<u>Failure of shipper or carrier, displaying placards that are not required, to display proper placards.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.504(a)</u>	<u>Failure of shipper or carrier to display proper placards.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.504(b)</u>	<u>Failure of shipper or carrier to use the DANGEROUS placard properly.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.505(a)</u>	<u>Failure of shipper or carrier to display POISON INHALATION HAZARD or POISON GAS placard, in addition to other placards required.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.505(c)</u>	<u>Failure of shipper or carrier to display DANGEROUS WHEN WET placard, in addition to other placards required.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.506(a)</u>	<u>Failure of shipper to provide motor carrier with the required placards prior to or at the same</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>time the material is offered for transportation.</u>			
<u>§172.506(a)(1)</u>	<u>Carrier transported hazardous material without proper placarding.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.512(a)</u>	<u>Failure of shipper or carrier to affix the required placards to a freight container having a capacity of 640 cu.ft.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.514(a)</u>	<u>Failure of shipper to affix the required placards to a bulk packaging.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.514(b)</u>	<u>Failure of shipper or carrier to maintain placarding on bulk packaging when emptied.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.516(a)</u>	<u>Failure of placard to be readily visible from the direction it faces.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.516(c)(1)-(6)</u>	<u>Failure of shipper or carrier to meet the placard visibility and display requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.516(d)</u>	<u>Failure of shipper or carrier to ensure that placard holder does not obscure placard surface other than the borders.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.519(a)(1)-(3)</u>	<u>Failure of shipper or carrier to meet the placard strength and durability requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.519(b)</u>	<u>Failure of shipper or carrier to use a placard design as shown in 49 C.F.R. §§ 172.521 through 172.560.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.519(c)(1)-(3)</u>	<u>Failure of shipper or carrier to use a placard, or numerals or text on a placard, of proper size.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.519(d)(1)-(4)</u>	<u>Failure of shipper or carrier to use the proper colors on a</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>placard.</u>			
--	-----------------	--	--	--

(49 C.F.R. Part 172 Subpart G-Emergency Response Information)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§172.600(c)</u>	<u>Failure of shipper or carrier to have emergency response information immediately available.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.602(a)(1)-(7)</u>	<u>Failure of emergency response information to contain all required information.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.602(b)</u>	<u>Failure of emergency response information to be printed legibly in English, available for use away from the package, or presented on a shipping paper.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.602(c)(1)</u>	<u>Failure of carrier to properly maintain emergency response information.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.602(c)(2)</u>	<u>Failure of facility operator to properly maintain emergency response information.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.604(a)</u>	<u>Failure of shipper to provide a 24-hour emergency response telephone number.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.604(a) (1)</u>	<u>Failure of shipper to ensure emergency response telephone number is monitored at all times the hazardous material is in transportation.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§172.604(a)(2)</u>	<u>Failure of shipper to ensure emergency response telephone number is the number of a person who is either knowledgeable of the hazardous material or has immediate access to a person who possesses such knowledge.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.604(a)(3)</u>	<u>Failure of shipper to enter the emergency response telephone number on the shipping paper as required.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§172.604(b)</u>	<u>Failure of emergency response telephone number to be that of the person offering the hazardous material for transportation or of an agency accepting responsibility that has received current information on the material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.606(a)</u>	<u>Failure of carrier to instruct the driver to contact the carrier in the event of an incident.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.606(b)(1)</u>	<u>Failure of carrier transporting by highway to mark transport vehicle with its telephone number when parked at a separate location from its motive power.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.606(b)(2)</u>	<u>Failure of carrier transporting by highway to have the shipping paper and emergency response information available on the transport vehicle when parked at a separate location from its motive power.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 172 Subpart H-Training)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
-------------	---------------------	-------------------------------	--------------------------	---------------------

<u>§172.702(a)</u>	<u>Failure of hazmat employer to train each of its hazmat employees.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.702(b)</u>	<u>Failure of hazmat employer to provide training that applies to a particular function before being performed by a hazmat employee.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.702(d)</u>	<u>Failure of hazmat employer to test each of its hazmat employees by appropriate means on the training subjects.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§172.704(a)(1)</u>	<u>Failure of hazmat employee training to include general awareness/familiarization training.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.704(a)(2)</u>	<u>Failure of hazmat employee training to include function-specific training.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.704(a)(3)</u>	<u>Failure of hazmat employee training to include safety training.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.704(c)(1)</u>	<u>Failure of new hazmat employee, or a hazmat employee who changes job functions, to receive initial training.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.704(c)(2)</u>	<u>Failure of hazmat employee to receive the required training at least once every three years.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§172.704(d)(1)-(4)</u>	<u>Failure of hazmat employer to create and retain a record of current training, inclusive of the preceding three years, for 90 days after an employee is no longer employed by that employer as a hazmat employee.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 173 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Type of</u>	<u>Grace</u>
-------------	---------------------	---------------------	----------------	--------------

		<u>or Matrix</u>	<u>Violation</u>	<u>Period</u>
<u>§173.2a(a)</u>	<u>Failure of shipper to class material according to the highest applicable hazard class.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.3(c)(1)-(7)</u>	<u>Failure of shipper to properly use a salvage drum for packages of hazardous materials that are damaged, defective, or found leaking.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.12(b)(1)-(3)</u>	<u>Failure of shipper to comply with packaging requirements for lab packs.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.12(c)(1)-(5)</u>	<u>Failure of shipper to properly reuse a packaging for the shipment of hazardous waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.13(c)(1)</u>	<u>Failure of shipper of liquid hazardous material excepted from labeling and placarding requirements to comply with packaging requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.13(c)(2)</u>	<u>Failure of shipper of solid hazardous material excepted from labeling and placarding requirements to comply with packaging requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.13(d)</u>	<u>Failure of shipper to mark package of hazardous material excepted from labeling and placarding requirements with the statement: "This package conforms to 49 C.F.R. 173.13."</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>

(49 C.F.R. Part 173 Subpart B-Preparation of Hazardous Material for Transportation)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§173.21(a)-(k)</u>	<u>Person offered for transportation or transported forbidden materials or packages.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§173.22(a)(1)-(4)</u>	<u>Failure of shipper to use a proper packaging or container.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§173.22a(a)</u>	<u>Failure of shipper using a packaging authorized under an exemption to be the holder of or a party to the exemption.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§173.22a(b)</u>	<u>Failure of shipper to maintain a copy of the exemption at each facility where the packaging is being used in connection with the shipment or transportation of the hazardous material.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§173.22a(c)</u>	<u>Failure of shipper to furnish a copy of the exemption to the carrier when it contains requirements that apply to the carrier.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24(b)(1)-(3)</u>	<u>Failure of shipper or carrier to meet the general requirements for packages.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24(e)(1)-(5)</u>	<u>Failure of shipper to ensure that the packaging is compatible with its contents.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§173.24(f)(1)-(2)</u>	<u>Failure of shipper or carrier to use properly designed closures on packagings.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24(h)(1)</u>	<u>Failure of shipper or carrier to leave sufficient outage when filling packages with liquids.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24a(a)(1)-(5)</u>	<u>Failure of shipper of non-bulk packagings and packages to meet design requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24a(b)(5)</u>	<u>Failure of shipper or carrier to ensure that no hazardous material remains on the outside of a non-bulk package after filling.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§173.24a(d)</u>	<u>Failure of shipper to limit the amount of material placed into a receptacle.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24b(a)</u>	<u>Failure of shipper or carrier to load liquids in bulk packagings so that the outage is at least 5% for materials poisonous by inhalation, or at least 1% for all other materials, of the total capacity.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.24b(d)(2)</u>	<u>Failure of shipper or carrier to limit the weight of lading loaded into a bulk package.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.25(a)(1)-(5)</u>	<u>Failure of shipper to use a properly prepared overpack.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.28(a)</u>	<u>Failure of shipper to inspect packaging or receptacle before reusing to ensure it conforms to the requirements of §§ 49 C.F.R. §§ 171 through 180.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.28(b)(1)-(7)</u>	<u>Failure of shipper to properly reuse a non-bulk packaging.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.28(e)</u>	<u>Shipper reused a package marked as NRC for material required to be shipped in a DOT specification or UN standard packaging.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.28(f)</u>	<u>Failure of shipper to comply with disinfecting requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.29(a)</u>	<u>Failure to offer for transportation or transport empty packaging containing residue of a hazardous material in the same manner as when it previously contained a greater quantity.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(a)(1)-(3)</u>	<u>Failure of shipper or carrier to use a portable tank that meets the requirements of this subchapter.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§173.32(b)(1)-(3)</u>	<u>Failure to use an authorized portable tank when using substitute packagings.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(c)(1)-(5)</u>	<u>Failure to comply with grandfather provisions for portable tanks</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(d)</u>	<u>Failure of shipper, prior to filling and offering a portable tank for transportation, to ensure that the portable tank conforms to the authorized specifications and meets the applicable requirements in this subchapter for the hazardous material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(e)(1)-(5)</u>	<u>Failure to perform an external inspection and make any necessary corrections prior to filling a portable tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(f)(1)-(9)</u>	<u>Failure to comply with loading requirements for portable tanks.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.32(g)(1)</u>	<u>Failure to ensure that a portable tank, loaded on to a highway or rail transport vehicle, is loaded within the horizontal outline thereof without overhang or projection of any part of the tank assembly.</u>	<u>\$3,000</u>	<u>M</u>	<u>24 hours</u>
<u>§173.32(g)(2)</u>	<u>Failure to ensure that an IM or UN portable tank, used for the transportation of flammable liquids by rail, is not fitted with non-reclosing pressure relief devices except in series with pressure relief valves.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§173.33(a)(1)-(3)</u>	<u>Failure of shipper or carrier to use an authorized cargo tank motor vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.33(b)(1)-(4)</u>	<u>Failure of shipper or carrier to meet cargo tank loading requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.33(e)</u>	<u>Failure of carrier to drain piping on DOT specification cargo tanks of any material that is a Division 6.1 material, oxidizer liquid, liquid organic peroxide, or corrosive liquid (skin only) prior to transporting.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(a)</u>	<u>Failure of shipper or carrier to use an authorized intermediate bulk container.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(b)</u>	<u>Failure of shipper to visually inspect each intermediate bulk container and its service equipment before filling.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§173.35(d)</u>	<u>Failure of shipper or carrier filling intermediate bulk container with liquids to ensure that it is not filled to more than 98 percent of its water capacity.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(f)(1)</u>	<u>Failure of carrier to ensure that no hazardous material remains on the outside of the intermediate bulk container during transportation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(f)(2)</u>	<u>Failure of carrier to ensure that each intermediate bulk container is securely fastened or contained within the transport unit during transportation.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§173.35(g)</u>	<u>Failure of shipper or carrier to ensure that each intermediate bulk container of solids is capable of containing the substance in the liquid state.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(h)(1)-(2)</u>	<u>Failure of shipper to use only metal, rigid plastic, or composite intermediate bulk containers for liquid hazardous material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(i)</u>	<u>Shipper or carrier filled an intermediate bulk container with a Packing Group I liquid or exceeded the capacity for a Packing Group I solid.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(k)</u>	<u>Failure of shipper or carrier to take measures to prevent an electrostatic discharge during loading and unloading of liquids with a flashpoint of 141degrees Fahrenheit or lower, or powders with the potential for dust explosion, in intermediate bulk containers.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.35(l)(1)-(4)</u>	<u>Failure of shipper or carrier to comply with the intermediate bulk container filling limits.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 173 Subpart E-Non-Bulk Packaging for Hazardous Materials Other Than Class 1 and Class 7)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§173.197(a)-(e)</u>	<u>Failure of shipper to meet the packaging requirements for regulated medical waste.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§173.216(c)(1-4)</u>	<u>Failure of shipper or carrier to meet the general packaging requirements for asbestos.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 177 Subpart A-General Information and Regulations)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§177.800(b)</u>	<u>Failure of carrier or connecting carrier to perform duties, comply with requirements of §49 C.F.R. § 177, or ensure its hazmat employees receive training in relation thereto.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.800(c)</u>	<u>Failure of carrier to train its hazmat employees involved in transportation of hazardous material as required by §§49 C.F.R. § 177 and subpart H of §§49 C.F.R. § 172.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.800(d)</u>	<u>Carrier caused an unnecessary delay in the shipment of hazardous materials.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.801</u>	<u>Carrier transported a forbidden material or hazardous material that was not prepared in accordance with §§49 C.F.R. §§ 171 through 180.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.804</u>	<u>Failure of carrier to comply with the Federal Motor Carrier Safety regulations.</u>	<u>\$3,000</u>	<u>M</u>	
<u>§177.816(a)</u>	<u>Failure of carrier to train driver in the requirements of §§49 C.F.R. §§ 390 through 397.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.816(b)</u>	<u>Person operated a cargo tank or vehicle with portable tank without receiving training or without having the appropriate State-issued commercial driver's license.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§177.816(d)</u>	<u>Failure of required training to conform to the frequency and recordkeeping requirements of §49 C.F.R. § 172.704.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§177.817(a)</u>	<u>Failure of carrier to transport a hazardous material accompanied by a properly prepared shipping paper.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.817(b)</u>	<u>Carrier accepted hazardous material for transportation with shipping papers that did not include the required shipper's certification.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§177.817(c)</u>	<u>Failure of carrier to comply with interlining requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§177.817(e)</u>	<u>Failure of carrier to ensure that the shipping papers required by §49 C.F.R. § 177.817 are available and recognizable by authorities.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.823(a)</u>	<u>Failure of carrier to mark or placard a vehicle transporting hazardous material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.823(b)</u>	<u>Failure of carrier to remove a leaking vehicle from the traveled portion of the highway or employ every available means for safe disposal of the leaking material.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.823(c)</u>	<u>Carrier transported a leaking cargo tank more than a minimum distance necessary to reach a site for safe disposal of the contents.</u>	<u>Matrix</u>	<u>NM</u>	

(49 C.F.R. Part 177 Subpart B-Loading and Unloading)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§177.834(a)</u>	<u>Failure of carrier to secure packages containing Class 3,2,8,6.1 or 7 material against movement in a motor vehicle, under conditions normally incident to transportation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.834(c)</u>	<u>Person smoking on or about motor vehicle while loading or unloading Class 1,3,4,5 or Division 2.1.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.834(d)</u>	<u>Failure to keep fire away or persons from smoking when loading or unloading a Class 1,3,4,5 or Division 2.1 material from a motor vehicle.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.834(e)</u>	<u>Failure to securely set the handbrake and prevent motion of the motor vehicle during loading or unloading of hazardous material.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.834(f)</u>	<u>Person used tools that are likely to damage the effectiveness of the closure and adversely affect packages or containers during the loading or unloading of Class 1 material or other dangerous articles.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.834(g)</u>	<u>Failure of carrier to prevent motion of Class 1,3,4,5,8,2 and Division 6.1 containers by bracing to prevent motion thereof relative to the vehicle while in transit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.834(h)</u>	<u>Person tampered with hazardous material containers or discharged the contents of such containers.</u>	<u>Matrix</u>	<u>NM</u>	

<u>§177.834(i)</u>	<u>Cargo tank was not attended by a qualified person while it was being loaded.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.834(j)</u>	<u>Carrier permitted or person drove cargo tank containing hazardous material without securely closing the manholes, valves and other closures.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.837(a)</u>	<u>Person loaded or unloaded a Class 3 material into or from a cargo tank motor vehicle while the engine was running.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.837(b)</u>	<u>Failure of carrier to provide metallic bonds or ground conductors for containers which are not in metallic contact with each other for the neutralization of static charges prior to and during transfers of Class 3 materials.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.837(c)</u>	<u>Failure of carrier to bond and ground cargo tanks before and during transfer of lading when a cargo tank is loaded through an open filling hole.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.837(d)</u>	<u>Failure of carrier to comply with unloading requirements.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.838(a)</u>	<u>Failure of carrier to entirely contain Class 4 and 5 materials within the body of the motor vehicle or to cover by tarpaulins or other suitable means.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.838(b)</u>	<u>Failure of carrier to keep Class 4 and 5 materials dry which are likely to become hazardous when wet when loading a motor vehicle and during transportation.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§177.838(c)</u>	<u>Failure of carrier to load articles, possible of spontaneous combustion or heating, with sufficient ventilation to provide assurance against fire.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.838(h)</u>	<u>Failure of carrier to load Division 4.2 materials in cylinders with valves and safety relief device in the vapor space and in a manner that no shifting occurs in transit.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.839(a)</u>	<u>Carrier loaded nitric acid above any other packaging.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.839(b)</u>	<u>Failure of carrier to protect batteries containing electrolyte from being impacted by other cargo or protecting their terminals from short circuits.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§177.841(a)</u>	<u>Failure of carrier to load bulk arsenical compounds into sift-proof, steel hopper-type, or dump-type motor-vehicle bodies equipped with water-proof, dust-proof covers well secured in place on all openings.</u>	<u>\$5,000</u>	<u>NM</u>	

(49 C.F.R. Part 177 Subpart C-Segregation and Separation Chart of Hazardous Materials)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§177.848(b)</u>	<u>Failure of carrier to stow or segregate a transport vehicle containing hazardous material in accordance with §49 C.F.R. § 176.83(b).</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.848(c)</u>	<u>Carrier loaded or stored cyanide or cyanide mixtures with acids.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.848(d)</u>	<u>Failure of carrier to load, transport, or store hazardous materials in accordance with the</u>	<u>Matrix</u>	<u>NM</u>	

	<u>“Segregation Table for Hazardous Materials.”</u>			
--	--	--	--	--

(49 C.F.R. Part 177 Subpart D-Vehicles and Shipments in Transit; Accidents)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Class</u>	<u>Grace Period</u>
<u>§177.854(a)</u>	<u>Failure of carrier to guard motor vehicle transporting hazardous material and provide against hazards during unnecessary stops on the traveled portion of the highway or shoulder.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.854(b)</u>	<u>Failure of carrier to use safest practical means afforded when leaks occur in packages or containers during the course of transportation, subsequent to initial loading.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.854(e)</u>	<u>Failure of carrier to safely and expeditiously store leaking containers of hazardous materials.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.854(f)</u>	<u>Failure of carrier to set out warning devices when stopped on the highway or shoulder.</u>	<u>\$3,000</u>	<u>M</u>	<u>1 hour</u>
<u>§177.854(g)</u>	<u>Carrier used heat or flame to repair fuel or cargo containment system.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§177.854(h)</u>	<u>Carrier repaired a cargo tank using a flame or arc before first making it gas free.</u>	<u>Matrix</u>	<u>NM</u>	

(49 C.F.R. Part 180 Subpart D-Qualification and Maintenance of Intermediate Bulk Containers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§180.351(a)</u>	<u>Carrier used an unauthorized</u>	<u>\$4,500</u>	<u>NM</u>	

	<u>intermediate bulk container for the transportation of a hazardous material.</u>			
<u>§180.352(a)</u>	<u>Carrier filled, offered, or transported an intermediate bulk container before the test or inspection was completed.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.352(c)</u>	<u>Failure of carrier to initially inspect an intermediate bulk container prior to placing hazardous materials into the container.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.352(d)</u>	<u>Failure of carrier to comply with repair requirements for intermediate bulk containers.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.352(e)</u>	<u>Failure of carrier to mark the most recent test date on the intermediate bulk container.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.352(f)</u>	<u>Failure of carrier to maintain periodic test and inspection records.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 180 Subpart E-Qualification and Maintenance of Cargo Tanks)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§180.405(a)</u>	<u>Carrier used an unauthorized cargo tank.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§180.407(a)</u>	<u>Carrier filled, offered, or transported a cargo tank before tests or inspections were completed.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.407(b)</u>	<u>Failure of carrier to test or inspect an unsafe, damaged, or out-of-service cargo tank.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.415(a)</u>	<u>Failure of carrier to mark test and inspection dates on a cargo tank.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

<u>§180.415(b)</u>	<u>Failure of cargo tank markings to be durable and legible.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.417(a)</u>	<u>Failure of carrier to retain the manufacturer certificate for a cargo tank.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.417(b)</u>	<u>Failure of carrier to have a written test or inspection report or to retain the written reports for cargo tanks.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.603(a)</u>	<u>Failure to use an authorized portable tank for the transportation of hazardous materials.</u>	<u>\$5,000</u>	<u>NM</u>	
<u>§180.603(e)</u>	<u>Failure to durably mark DOT 51 portable tank specification plate with appropriate exemption number.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.605(a)</u>	<u>Failure to test and inspect a portable tank that has become due prior to being returned for transportation.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.605(b)(1)–(5)</u>	<u>Failure to comply with the testing and inspection requirements of portable tanks, upon discovery of any of the conditions listed in this section.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.605(c)(1)–(4)</u>	<u>Failure to comply with the schedule for periodic inspections and tests of portable tanks.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.605(d)</u>	<u>Failure to comply with the 2.5 year intermediate periodic inspection and testing schedule for IM and UN portable tanks.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§180.605(e)</u>	<u>Failure to comply with the 5-year periodic inspection and testing requirements of this section.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.605(f)</u>	<u>Failure to comply with the exceptional inspection and testing requirements of this section.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.605(g)(1)-(7)</u>	<u>Failure to comply with the internal and external examination requirements of this section.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§180.605(k)</u>	<u>Failure to comply with testing and marking requirements for IM and UN portable tanks.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§180.605(k)(1)</u>	<u>Failure to comply with the record retention requirements of this section.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 387 Subpart A-Motor Carriers of Property)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§387.7(a)</u>	<u>Failure of carrier to obtain minimum levels of financial responsibility.</u>	<u>Matrix</u>	<u>NM</u>	
<u>§387.7(d)</u>	<u>Failure of carrier to maintain proof of financial responsibility at principal place of business.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 390 Subpart B-General Requirements and Information)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§390.21(a)</u>	<u>Failure of carrier to mark a commercial motor vehicle.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§390.21(b)</u>	<u>Carrier displayed incomplete or incorrect vehicle markings.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§390.21(c)</u>	<u>Failure of carrier to use proper</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>size, shape, color, or location of markings.</u>			
<u>§390.29</u>	<u>Failure of carrier to comply with requirements for location of records or documents.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§390.31(a)</u>	<u>Failure of carrier to preserve records and documents in their original form.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 391 Subpart B-Qualification and Disqualification of Drivers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§391.11(a)</u>	<u>Carrier permitted or required an unqualified person to drive a commercial motor vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§391.13</u>	<u>Failure of carrier to comply with driver qualification requirements.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.15(a)</u>	<u>Carrier required a disqualified driver to drive a commercial vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 391 Subpart C-Background and Character)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§391.21(b)</u>	<u>Failure of carrier to furnish an employment application.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.23(a)</u>	<u>Failure of carrier to make required background investigations of a commercial vehicle driver.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§391.25(a)</u>	<u>Failure of carrier to make an annual inquiry into all driving records.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.25(b)</u>	<u>Failure of carrier to make an annual determination that drivers meet minimal requirements.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§391.25(c)</u>	<u>Failure of carrier to maintain state agency response to a driving record inquiry.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.27(a)</u>	<u>Failure of carrier to annually require each driver to furnish a list of all violations.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.27(d)</u>	<u>Failure of carrier to maintain violation list or certificate in driver's qualification file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 391 Subpart D-Tests)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§391.31(a)</u>	<u>Failure of carrier to require a commercial vehicle road test.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§391.31(d)</u>	<u>Failure of carrier to provide road test form.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.31(e)</u>	<u>Failure of carrier to complete a certificate of driver's road test.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.31(g)</u>	<u>Failure of carrier to retain original signed road test form or certificate.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 391 Subpart E-Physical Qualifications and Examinations)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§391.41(a)</u>	<u>Failure of person to carry a current medical examiner's certificate.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 391 Subpart F-Files and Records)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§391.51(a)</u>	<u>Failure of carrier to maintain a driver qualification file.</u>	<u>\$4,500</u>	<u>NM</u>	

<u>§391.51(b)</u>	<u>Failure of carrier to maintain a complete qualification file.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§391.51(c)</u>	<u>Failure of carrier to maintain driver qualification file for three years beyond employment.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 392 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§392.7(a)</u>	<u>Person drove a commercial motor vehicle prior to ensuring parts and accessories were in good working order.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§392.8</u>	<u>Person drove a commercial motor vehicle before being satisfied that the emergency equipment was in place and ready for use.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§392.9(a)-(b)</u>	<u>Person operated a commercial motor vehicle prior to ensuring the cargo was properly distributed and adequately secured.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 393 Subpart H-Emergency Equipment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§393.95(a)</u>	<u>Failure of carrier to equip a power unit with a properly filled and located fire extinguisher.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§393.95(c)</u>	<u>Failure of carrier to equip vehicle with spare fuses.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§393.95(f)</u>	<u>Failure of carrier to equip motor vehicle with warning devices for stopped vehicles.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 395)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§395.3(a)</u>	<u>Carrier permitted or required a driver to drive more than 10 hours or after being on duty for 15 hours.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.3(b)</u>	<u>Carrier permitted or required a driver to drive for any period after having been on duty 60 hours in 7 consecutive days or after having been on duty 70 hours in 8 consecutive days.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.8(a)</u>	<u>Failure of person to record duty status.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.8(c)</u>	<u>Failure of person to record change of duty status.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.8(f)</u>	<u>Failure of person to record driver's activities.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.8(i)</u>	<u>Failure of person to file driver's record of duty status.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§395.8(k)</u>	<u>Failure of carrier to retain records of duty status.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

(49 C.F.R. Part 396)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§396.11(a)</u>	<u>Failure of person to prepare a written report.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§396.11(b)</u>	<u>Failure of person to indicate deficiencies or lack of deficiencies on report or to sign report.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§396.11(c)</u>	<u>Failure of carrier to repair deficiencies or to certify or retain inspection reports.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§396.13(a)-(c)</u>	<u>Failure of person to be satisfied</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>

	<u>that the vehicle is in safe operating condition or to review or sign previous inspection reports.</u>			
--	---	--	--	--

(49 C.F.R. Part 397 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§397.3</u>	<u>Failure of carrier to comply with jurisdictional laws concerning driving and parking of hazardous materials vehicles.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§397.5</u>	<u>Failure of carrier to attend a vehicle that contains hazardous materials.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§397.7(b)</u>	<u>Carrier parked a hazardous material vehicle within 5 feet of the traveled portion of a street or highway.</u>	<u>\$3,000</u>	<u>M</u>	<u>30 days</u>
<u>§397.11</u>	<u>Carrier operated or parked a hazardous material vehicle near an open fire.</u>	<u>\$4,500</u>	<u>NM</u>	
<u>§397.13</u>	<u>Person smoked within 25 feet of a hazardous material vehicle.</u>	<u>\$4,500</u>	<u>NM</u>	

(49 C.F.R. Part 397 Subpart C-Routing of Non-Radioactive Hazardous Materials)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty or Matrix</u>	<u>Type of Violation</u>	<u>Grace Period</u>
<u>§397.67(b)</u>	<u>Carrier operated a hazardous material vehicle over inappropriate routes.</u>	<u>\$4,500</u>	<u>NM</u>	

7:26G-2.5 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 **as**

follows:

1. A violation that meets the criteria at (f)1i through iii below and the criteria at N.J.A.C.A 7:26G-2.10(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. 7:26g-2.10. 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. 7:26G-2.10.

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		
		<u>Major</u>	<u>Moderate</u>	<u>Minor</u>
CONDUCT	Major	\$40,000-	\$30,000-	\$15,000-
		\$50,000	\$40,000	\$25,000
	Moderate	\$30,000-	\$10,000-	\$3,000-
		\$40,000	\$20,000	\$6,000
	Minor	\$15,000-	\$3,000-	[\$1,000-
		\$25,000	\$6,000	\$2,500] <u>N/A</u>

***N/A means not applicable.**

(h) – (i) (No change.)

7:26G-2.6 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.

7:26G-2.7 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.

7:26G-2.8 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.

7:26G-2.10 Grace period applicability; procedures

(a) Each violation identified in the penalty tables at N.J.A.C. 7:26G-2.4(g) by an “M” in the Type of Violation column, and each violation that is determined to be minor under N.J.A.C. 7:26G-2.5(f)1, for which 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. 7:26G-2.4(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 shall provide a grace period for any violation identified as minor under this section provided that 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.

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 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 as responsible for the same or a substantially similar violation at the same facility within the preceding 12-month period;

5. In the case of any violation, the person responsible for the violation has not been identified by the Department 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 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 shall not impose a penalty for the violation, and in addition shall not consider the minor violation for purposes of determining the “severity factor” pursuant to N.J.A.C. 7:26G-2.4(f)3.

3. The person responsible for a violation shall submit to the Department, 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 that the violation has been corrected and compliance achieved within the specified grace period, or within the approved extension, if any, the Department 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.

7:26G-4.2 State definitions

The following words and terms, when used in this chapter, shall 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.

* * *

7:26G-7.3 Other requirements

(a) All hazardous waste transporters shall comply with the following United States Department of Transportation (USDOT) regulations, with all the modifications that the New

Jersey Department of Transportation has made in incorporating them into N.J.A.C. 16:49-2.1, and that the New Jersey State Police has made in incorporating them into N.J.A.C. 13:60-1.1:

1. The Hazardous Materials Regulations at 49 C.F.R. Parts **130 and** 171 through 180, as amended and supplemented; and

2. (No change.)

(b) – (c) (No change.)

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis addressing the requirements of Executive Order No. 27 (1994) and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., permit the public to understand accurately and plainly the purposes and expected consequences of this proposal. I hereby authorize the proposal.

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection