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SUBCHAPTER 10. CIVIL ADMINISTRATIVE PENALTIES AND REQUESTS FOR ADJUDICATORY HEARINGS

7:26C-10.1 Scope

(a) This subchapter governs the Department's assessment of civil administrative penalties for a person's failure to remediate a discharge as required by:

1. Administrative orders issued pursuant to any of the Department's statutory authorities;
2. Administrative consent orders issued pursuant to N.J.A.C. 7:26C-5;
3. The Industrial Site recovery Act Rules, N.J.A.C. 7:26B;
4. Industrial Site Recovery Act remediation agreements issued pursuant to the Industrial Site Recovery Act Rules, N.J.A.C. 7:26B-4;
5. The Underground Storage Tank Rules, specifically N.J.A.C. 7:14B-1,3, and 7 through 14;
6. The Discharges of Petroleum and Other Hazardous Substances Rules, specifically N.J.A.C. 7:1E-5; and
7. The Technical Requirements for Site Remediation, N.J.A.C. 7:26E.

(b) This subchapter :

- i. Identifies those violations where a grace period will be afforded for correction of the violation;
- ii. Establishes base penalty amounts and penalty calculation procedures for non-minor violations and minor violations not corrected within the grace period; and
- iii. Governs the procedures for requesting an adjudicatory hearing on enforcement actions the Department takes pursuant to this subchapter.

7:26C-10.2 Applicability

(a) Each violation of an administrative order, an administrative consent order, a remediation agreement, or a requirement of any of the rules listed in N.J.A.C. 7:26C-10.1(a), above constitutes an additional, separate and distinct offense, and each penalty payment constitutes a payment of civil or civil administrative penalties pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 through 23.14.

(b) Except as provided in N.J.A.C. 7:26C-10.3(d) or 10.5, [E]each day during which a violation continues constitutes an additional, separate, and distinct offense.

(c) Neither the assessment of a civil administrative penalty nor the payment of any such civil administrative penalty shall be deemed to affect the availability of any other enforcement

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provisions provided for by any other statute or rule in connection with the violation for which the assessment is levied.

(d) Any party to an Administrative Consent Order or a Remediation Agreement that includes stipulated penalty provisions may request in writing that the Department amend their document to replace the stipulated penalty provisions with language deferring to the penalty provisions in N.J.A.C. 7:26C-10. The Department may, in its discretion, agree to modify the Administrative Consent Order or Remediation Agreement.

7:26C-10.3 Grace period applicability; procedures

(a) Each violation identified in the penalty table at N.J.A.C. 7:26C-10.4(c) by an "M" in the Type of Violation column, 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 table at N.J.A.C. 7:26C-10.4(c) 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. 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 within the preceding 12 month period.

4. 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 will issue a notice of violation to the person responsible for a 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

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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 as an offense pursuant to N.J.A.C. 7:26C-10.2.

3. The person responsible for a violation shall submit to the Department, at the address indicated in the notice of violation, before the end of the specified grace period, written information, certified in accordance with N.J.A.C. 7:26C-1.2(a)1, and signed by the person responsible for conducting the remediation, 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, certified in accordance with N.J.A.C. 7:26C-1.2, no later than one week before the end of the specified grace period and shall 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. If the person is unable to meet this deadline due to extenuating circumstances, the person may still request the extension, which request shall explain the reason for the delay in requesting the extension. 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 an additional 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 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.

(e) The provisions of this subchapter, including the penalty provisions of N.J.A.C.

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7:26C-10.4, do not apply to persons remediating sites pursuant to a Memorandum of Agreement.

7:26C-10.4 Civil administrative penalty determination

(a) The amount of a civil administrative penalty shall be determined as follows:

1. The Department shall identify the violation listed in the table in subparagraph (c) below;
2. The Department shall determine whether the violation is identified by an "M" or "NM" in the Type of violation column;
3. For a violation identified by an "M" as minor in the "Type of Violation" column, the Department shall apply the provisions of N.J.A.C. 7:26C-10.3.
4. For a violation identified by an "NM" as non-minor in the "Type of Violation" column, or for a violation that is identified by an "M" as minor in the "Type of Violation" column, but for which the conditions at N.J.A.C. 7:26C-10.3 are not satisfied, the Department shall:
 - i. Identify the corresponding base penalty dollar amount for the rule violated as listed in (c) below; and
 - ii. Adjust the amount of the base penalty by applying the factors in N.J.A.C. 7:26C-10.5(a), as applicable.

(b) The Department may multiply the penalty calculated pursuant to subparagraph (a)4 above by the number of days the violation existed.

(c) The following summary of rules contained in the "Subchapter and Violation" column of the following tables is provided for informational purposes only. In the event that there is a conflict between the rule summary in the following tables and the corresponding rule provision, then the corresponding rule provision shall prevail. The "Citation" column lists the citation and shall be used to determine the specific rule to which the violation applies. 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. The "Base Penalty" column indicates the applicable base penalty for each violation.

<u>1. Discharges of Petroleum and Other Hazardous Substances N.J.A.C. 7:1E</u>					
<u>Subchapter & Violation</u>		<u>Citation</u> <u>7:1E-</u>	<u>Type of</u> <u>Violation</u>	<u>Grace</u> <u>Period</u> <u>(Days)</u>	<u>Base Penalty</u>
<u>5</u>	<u>Discharge Notification, Response and Reporting</u>				
	<u>Failure to conduct remediation in accordance with N.J.A.C. 7:26E.</u>	<u>7:1E-5.7(a)2i and 3</u>	<u>NM</u>		<u>\$20,000</u>

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2. The Technical Requirements for Site Remediation N.J.A.C 7:26E				
<u>Subchapter & Violation</u>	<u>Citation 7:26E-</u>	<u>Type of Violation</u>	<u>Grace Period (Days)</u>	<u>Base Penalty</u>
<u>1 General Information</u>				
<u>Failure to notify Department of any sampling activities prior to initiation.</u>	<u>7:26E-1.4(a)1</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to notify municipal clerk prior to specific activities.</u>	<u>7:26E-1.4(a)2</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to notify Department and municipal clerk prior to specific field activities.</u>	<u>7:26E-1.4(a)3</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to immediately notify Department of IEC conditions.</u>	<u>7:26E-1.4(b)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to immediately initiate stabilization of IEC conditions.</u>	<u>7:26E-1.4(b)</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to notify Department and municipal clerk prior to interim response actions to be conducted in response to IEC conditions.</u>	<u>7:26E-1.4(b)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to include all the required information in the written notification.</u>	<u>7:26E-1.4(d)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to make submissions to, and/or get approvals from, Pinelands Commission.</u>	<u>7:26E-1.4(f)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to notify the Department of contaminant migration from an off site source.</u>	<u>7:26E-1.4(h)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to submit work plans or reports in a timely manner per schedule applicable pursuant to 7:26C, oversight document or ISRA or UST rules.</u>	<u>7:26E-1.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to comply with format and content requirements of 7:26E-2 through 8 for work plans and reports submitted.</u>	<u>7:26E-1.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to prepare or implement health and safety plan.</u>	<u>7:26E-1.9</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to contain and/or stabilize contaminants in all media to prevent receptor exposure and/or contaminant migration as a first priority.</u>	<u>7:26E-1.11</u>	<u>NM</u>		<u>\$20,000</u>
	<u>Failure to conduct remediation with Department oversight in situations where such oversight is required.</u>	<u>7:26E-1.12</u>	<u>NM</u>		<u>\$5,000</u>
<u>2</u>	<u>Quality Assurance for Sampling and Laboratory Analysis</u>				
	<u>Failure to use laboratory that has appropriate certification.</u>	<u>7:26E-2.1(a)1</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to use appropriate analytical method.</u>	<u>7:26E-2.1(a)3</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to use required sampling procedures and analytical methods for volatile organics.</u>	<u>7:26E-2.1(a)4</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to select and document appropriate alternate analytical method, where method does not exist for specific parameter/matrix.</u>	<u>7:26E-2.1(a)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to follow QA/QC procedures specified in analytical method.</u>	<u>7:26E-2.1(a)7</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to report solid analyses in a dry weight basis.</u>	<u>7:26E-2.1(a)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to perform sample matrix cleanup when required.</u>	<u>7:26E-2.1(a)9</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to perform required sample matrix cleanup using acceptable matrix cleanup methods.</u>	<u>7:26E-2.1(a)10</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to ensure use of acceptable method to detect free and/or residual product.</u>	<u>7:26E-2.1(a)11</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to use GC/MS for volatile/semi-volatile contaminants as required.</u>	<u>7:26E-2.1(a)12</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to provide Appendix A laboratory deliverables, as specified.</u>	<u>7:26E-2.1(a)13</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to use applicable industry methods for sample collection & handling.</u>	<u>7:26E-2.1(a)14</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to comply with time constraints for sample preservation and delivery to laboratory.</u>	<u>7:26E-2.1(a)15</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>

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	<u>Inappropriate use of field screening methods.</u>	<u>7:26E-2.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to collect samples from each AOC for contaminants which may be present, or to analyze for Target Compound List plus TICs/Target Analyte List, hexavalent chromium, petroleum hydrocarbons, and pH in areas where contaminants are unknown or not well documented.</u>	<u>7:26E-2.1(c)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to analyze samples from petroleum storage and discharge areas for required parameters.</u>	<u>7:26E-2.1(d)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to further address tentatively identified compounds as required.</u>	<u>7:26E-2.1(e)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
	<u>Failure to submit quality assurance project plan, as required.</u>	<u>7:26E-2.2(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
3	<u>Preliminary Assessment and Site Investigation</u>				
	<u>Failure to conduct a preliminary assessment</u>	<u>7:26E-3.1(c)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to investigate historical information</u>	<u>7:26E-3.1(c)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to conduct a site visit.</u>	<u>7:26E-3.1(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit preliminary assessment report in required format.</u>	<u>7:26E-3.2(a)1 & 2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include maps and plans in preliminary assessment report.</u>	<u>7:26E-3.2(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include a recommendation for each area of concern.</u>	<u>7:26E-3.2(a)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include a recommendation for each area of concern for which a no further action letter was previously issued.</u>	<u>7:26E-3.2(a)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include required documentation to support recommendations for each area of concern for which a no further action letter was previously issued.</u>	<u>7:26E-3.2(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to conduct a site investigation that satisfies listed requirements.</u>	<u>7:26E-3.3(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit site investigation report as required.</u>	<u>7:26E-3.3(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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<u>Failure to properly locate samples, including biasing as required, and obtaining Department approval to modify sampling locations.</u>	<u>7:26E-3.4(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect and analyze site investigation samples pursuant to N.J.A.C. 7:26E-2.1 et seq.</u>	<u>7:26E-3.4(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Submitting site investigation data generated from composite samples.</u>	<u>7:26E-3.4(c)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to conduct necessary site investigation of building interiors.</u>	<u>7:26E-3.5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct site investigation of soil according to general technical requirements.</u>	<u>7:26E-3.6(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct a soil investigation survey.</u>	<u>7:26E-3.6(a)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect soil samples for analysis & subsurface profiling.</u>	<u>7:26E-3.6(a)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect soil samples for initial characterization at 0-6 inches.</u>	<u>7:26E-3.6(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly collect soil samples for volatile organic analysis.</u>	<u>7:26E-3.6(a)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly collect soil samples in 6 inch increments or to document sample recovery problems.</u>	<u>7:26E-3.6(a)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect and document additional samples below specified depths upon encountering filling or regrading.</u>	<u>7:26E-3.6(a)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect soil sample in saturated zone.</u>	<u>7:26E-3.6(a)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct site investigation of soil according to the quality assurance and quality control requirements pursuant to N.J.A.C. 7:26E-2.1.</u>	<u>7:26E-3.6(c)2</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to conduct site investigation of ground water when required by measured soil contamination at an area of concern.</u>	<u>7:26E-3.7(a)</u>	<u>M</u>	<u>60</u>	<u>\$5,000</u>

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<u>Failure to implement QA/QC requirements as part of site investigation of ground water.</u>	<u>7:26E-3.7(c)1</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to utilize proper sampling methods in the collection of ground water samples.</u>	<u>7:26E-3.7(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly locate ground water sampling points.</u>	<u>7:26E-3.7(c)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect the required number of ground water samples.</u>	<u>7:26E-3.7(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly evaluate ground water site investigation sampling results.</u>	<u>7:26E-3.7(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to resample ground water to confirm the presence of contamination.</u>	<u>7:26E-3.7(e)2</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to take required actions upon confirmation of ground water contamination including conduct well search, notify the Department, determine ground water flow, or sample potable wells.</u>	<u>7:26E-3.7(e)3</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to commence a potable water investigation within 30 calendar days after property acquisition.</u>	<u>7:26E-3.7(f)</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to conduct a background investigation that supports a position that the presence of a ground water contaminant in excess of the applicable remediation standard is due to background ground water contamination.</u>	<u>7:26E-3.7(g)</u>	<u>M</u>	<u>90</u>	<u>\$4,000</u>
<u>Failure to evaluate evidence of discharges to surface water or sediment.</u>	<u>7:26E-3.8(a)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to properly conduct site investigation of surface water and sediment.</u>	<u>7:26E-3.8(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of above ground tanks over unpaved soil.</u>	<u>7:26E-3.9(a)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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<u>Failure to properly conduct site investigation of above ground tanks over paved surfaces.</u>	<u>7:26E-3.9(a)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of underground storage tanks.</u>	<u>7:26E-3.9(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all above grade piping.</u>	<u>7:26E-3.9(a)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all below grade piping.</u>	<u>7:26E-3.9(a)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of loading and unloading areas.</u>	<u>7:26E-3.9(a)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all pads.</u>	<u>7:26E-3.9(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all storage and staging areas over permeable cover.</u>	<u>7:26E-3.9(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all surface impoundments.</u>	<u>7:26E-3.9(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all drainage systems.</u>	<u>7:26E-3.9(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of all discharge and waste disposal systems and areas.</u>	<u>7:26E-3.9(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct site investigation of any area of concern not addressed pursuant to previous requirements.</u>	<u>7:26E-3.9(f)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct a baseline ecological evaluation according to general technical requirements.</u>	<u>7:26E-3.11(a)</u>	<u>M</u>	<u>60</u>	<u>\$5,000</u>
<u>Failure to evaluate all data collected in the preliminary assessment and site investigation to identify site-specific contaminants of ecological concern.</u>	<u>7:26E-3.11(a)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to identify environmentally sensitive natural resources.</u>	<u>7:26E-3.11(a)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to identify potential contamination migration pathways.</u>	<u>7:26E-3.11(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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<u>Failure to draw accurate conclusions regarding the need for further ecological investigation based on the requirements in this section.</u>	<u>7:26E-3.11(a)4</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to conduct a site investigation of historic fill as required.</u>	<u>7:26E-3.12(a)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to demonstrate that historic fill is not contaminated above the applicable residential soil remediation standards.</u>	<u>7:26E-3.12(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to conduct required ground water sampling when a site with historical fill is in an area where ground water is used for potable water.</u>	<u>7:26E-3.12(c)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to present and discuss all of the information identified and collected in the site investigation report.</u>	<u>7:26E-3.13(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include historical information in the site investigation report.</u>	<u>7:26E-3.13(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include a description of the site's physical setting in the site investigation report.</u>	<u>7:26E-3.13(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include an overview of site investigation execution and results in the site investigation report.</u>	<u>7:26E-3.13(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include findings and recommendations in the site investigation report.</u>	<u>7:26E-3.13(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include all analytical data as required in the site investigation report.</u>	<u>7:26E-3.13(c)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include a summary table of analytical methods and quality assurance indicators in the site investigation report.</u>	<u>7:26E-3.13(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include a summary results table in the site investigation report.</u>	<u>7:26E-3.13(c)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include stratigraphic logs in the site investigation report.</u>	<u>7:26E-3.13(c)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include stratigraphic cross sections in the site investigation report.</u>	<u>7:26E-3.13(c)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include soil borings, piezometer or monitoring well records in the site investigation report.</u>	<u>7:26E-3.13(c)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include information for each monitoring well sampled for each ground water sampling event in the site investigation report.</u>	<u>7:26E-3.13(c)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the site investigation report any other data obtained pursuant to N.J.A.C. 7:26E-3.3 through 3.12.</u>	<u>7:26E-3.13(c)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include any required map or diagram in the site investigation report.</u>	<u>7:26E-3.13(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>4</u>	<u>Remedial Investigations</u>				
	<u>Failure to delineate the horizontal and vertical extent of contamination to the applicable remediation standard, including the extent to which contamination has migrated off the property.</u>	<u>7:26E-4.1(b)</u>	<u>M</u>	<u>90</u>	<u>\$5,000</u>
	<u>Failure to submit a remedial investigation workplan that conforms to the general requirements of this section.</u>	<u>7:26E-4.2(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to include in the remedial investigation workplan a detailed schedule.</u>	<u>7:26E-4.2(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan a description of the role of the principal personnel.</u>	<u>7:26E-4.2(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan the required historical information.</u>	<u>7:26E-4.2(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan the required site description.</u>	<u>7:26E-4.2(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include in the remedial investigation workplan a description of each area of concern.</u>	<u>7:26E-4.2(b)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan a sampling summary table for each area of concern.</u>	<u>7:26E-4.2(b)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan a map of the proposed sampling locations.</u>	<u>7:26E-4.2(b)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan other sampling proposals for treatability, bench scale or pilot studies, data for permit effluent limits or ecological investigations.</u>	<u>7:26E-4.2(b)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan a quality assurance project plan.</u>	<u>7:26E-4.2(b)9</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation workplan a health and safety plan.</u>	<u>7:26E-4.2(b)10</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to conduct a remedial investigation of soil at a contaminated site.</u>	<u>7:26E-4.3(a)</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to conduct the remedial investigation of soil according to general technical requirements.</u>	<u>7:26E-4.3(b)</u>	<u>M</u>	<u>90</u>	<u>\$4,000</u>
	<u>Failure to conduct a remedial investigation of ground water when required.</u>	<u>7:26E-4.4(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to provide information necessary to support a position that ground water sampling is not necessary.</u>	<u>7:26E-4.4(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to conduct a remedial investigation of ground water according to general technical requirements.</u>	<u>7:26E-4.4(c)</u>	<u>M</u>	<u>90</u>	<u>\$4,000</u>

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<u>Failure to collect ground water samples using acceptable professional methods such as those described in the then effective NJDEP Field Sampling Procedures Manual, or to gain Department approval of an alternate method.</u>	<u>7:26E-4.4(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly locate all ground water sampling points.</u>	<u>7:26E-4.4(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to collect the appropriate number of ground water samples.</u>	<u>7:26E-4.4(f)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to comply with requirements for monitoring wells and piezometers.</u>	<u>7:26E-4.4(g)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to evaluate the results of the initial ground water analyses.</u>	<u>7:26E-4.4(h)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly perform confirmation ground water sampling.</u>	<u>7:26E-4.4(h)2</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to fully investigate confirmed groundwater contamination and potential impacts, or to conduct a background investigation that supports a position that groundwater contamination is from an offsite source.</u>	<u>7:26E-4.4(h)3</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to delineate the vertical and horizontal extent of ground water contamination and the sources of ground water contamination, including free and residual product.</u>	<u>7:26E-4.4(h)3i</u>	<u>M</u>	<u>90</u>	<u>\$4,000</u>
<u>Failure to confirm ground water flow direction.</u>	<u>7:26E-4.4(h)3ii</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to adequately characterize the impacted aquifer.</u>	<u>7:26E-4.4(h)3iii</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to provide documentation for ground water flow system model.</u>	<u>7:26E-4.4(h)3iv</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly perform a well search.</u>	<u>7:26E-4.4(h)3v</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to properly sample potable and supply wells which are suspected to be contaminated.</u>	<u>7:26E-4.4(h)3vi</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to properly evaluate any surface water body potentially impacted by contaminated ground water.</u>	<u>7:26E-4.4(h)3vii</u>	<u>NM</u>		<u>\$20,000</u>

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<u>Failure to properly evaluate any subsurface utilities, basements or other structures potentially impacted by vapor hazards related to contaminated ground water.</u>	<u>7:26E-4.4(h)3viii</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to properly evaluate current and potential ground water uses for the 25 year planning horizon.</u>	<u>7:26E-4.4(h)3ix</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct soil gas studies when required.</u>	<u>7:26E-4.4(i)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly conduct a remedial investigation of surface water, wetlands and sediment.</u>	<u>7:26E-4.5(a)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to properly conduct the remedial investigation of surface water, wetlands and sediment in accordance with the general technical requirements.</u>	<u>7:26E-4.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to properly document a position that a remedial investigation of surface water is not necessary.</u>	<u>7:26E-4.5(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct a surface water investigation as required.</u>	<u>7:26E-4.5(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the remedial investigation an investigation of all landfills.</u>	<u>7:26E-4.6(a)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to conduct an investigation of all landfills as required.</u>	<u>7:26E-4.6(a)1-4</u>	<u>M</u>	<u>90</u>	<u>\$4,000</u>
<u>Failure to conduct the remedial investigation of historic fill according to the general technical requirements.</u>	<u>7:26E-4.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct ground water sampling when required to document that ground water is not contaminated in an area of historic fill.</u>	<u>7:26E-4.6(b)6</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to conduct an ecological risk assessment according to general technical requirements.</u>	<u>7:26E-4.7(a)</u>	<u>M</u>	<u>60</u>	<u>\$5,000</u>

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	<u>Failure to present the results of an ecological risk assessment in a ecological risk assessment report that conforms to the specific requirements.</u>	<u>7:26E-4.7(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the requirements of N.J.A.C. 7:26E-3.13, and the results of additional information collected pursuant to N.J.A.C 7:26E-4.1-4.7 and the approved remedial investigation workplan.</u>	<u>7:26E-4.8(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the historical information described in N.J.A.C. 7:26E-4.2(b)3.</u>	<u>7:26E-4.8(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report a description of the physical setting pursuant N.J.A.C. 7:26E-4.2(b)4.</u>	<u>7:26E-4.8(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report a technical overview as described in N.J.A.C. 7:26E-3-13(b)3 and this section.</u>	<u>7:26E-4.8(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report findings and recommendations pursuant to N.J.A.C. 7:26E-3.13(b)4 as updated by the remedial investigation requirements of N.J.A.C. 7:26E-4.</u>	<u>7:26E-4.8(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the analytical results and laboratory deliverables.</u>	<u>7:26E-4.8(c)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report a summary table of analytical methods and quality assurance indicators.</u>	<u>7:26E-4.8(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report a sampling results summary table that conforms to the requirements of this section.</u>	<u>7:26E-4.8(c)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include in the remedial investigation report the stratigraphic logs.</u>	<u>7:26E-4.8(c)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the stratigraphic cross sections.</u>	<u>7:26E-4.8(c)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report all of the soil boring, piezometer, and monitoring well records.</u>	<u>7:26E-4.8(c)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the required information for each monitoring well sampled.</u>	<u>7:26E-4.8(c)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the ground water elevation of each monitoring well.</u>	<u>7:26E-4.8(c)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the summary of inventory control records review.</u>	<u>7:26E-4.8(c)9</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the results of treatability, bench scale or pilot studies or other data collected to support the remedy selection.</u>	<u>7:26E-4.8(c)10</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report data necessary to develop permit limitations.</u>	<u>7:26E-4.8(c)11</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the results of ecological assessments and evaluations.</u>	<u>7:26E-4.8(c)12</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report a summary of records pertaining to the nature of landfill waste and to submit copies of such records.</u>	<u>7:26E-4.8(c)13</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report the description of the historic fill material.</u>	<u>7:26E-4.8(c)14</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include in the remedial investigation report all other data and information obtained pursuant to N.J.A.C. 7:26E-4.</u>	<u>7:26E-4.8(c)15</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the remedial investigation report any of the required maps or diagrams in the prescribed formats.</u>	<u>7:26E-4.8(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>5</u>	<u>Remedial Action Selection</u>				
	<u>Failure to establish remedial action objectives/goals as required.</u>	<u>7:26E-5.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to select a remedial action which is protective of public health and safety and the environment.</u>	<u>7:26E-5.1(c)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to select a remedial action which is implementable.</u>	<u>7:26E-5.1(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to select a remedial action which is consistent with other applicable Federal, State and local laws and regulations.</u>	<u>7:26E-5.1(c)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to select a remedial action which takes into account the community responses and the local land use Master Plan.</u>	<u>7:26E-5.1(c)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to select a remedial action free of potential to cause injury to natural resources.</u>	<u>7:26E-5.1(c)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in an application for use of an innovative remedial action technology any of the required information.</u>	<u>7:26E-5.1(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to comply with the Department's requirements for use of engineering and institutional controls at N.J.A.C. 7:26E-8.</u>	<u>7:26E-5.1(e)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit for approval a Remedial Action Selection Report for a restricted use remedial action.</u>	<u>7:26E-5.2(a)1</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit for approval a Remedial Action Selection Report for a remedial action that utilizes an innovative remedial action technology.</u>	<u>7:26E-5.2(a)2</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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	<u>Failure to submit for approval a Remedial Action Selection Report for a remedial action that will take longer than five years to complete.</u>	<u>7:26E-5.2(a)3</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit for approval a Remedial Action Selection Report for a remedial action that is being implemented to address ground water, surface water, sediment contamination or ecological impact.</u>	<u>7:26E-5.2(a)4</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to present the Remedial Action Selection Report in a format that complies to N.J.A.C.7:26E-5.2(c).</u>	<u>7:26E-5.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the Remedial Action Selection Report with the Remedial Investigation Report or the Remedial Action Workplan as required.</u>	<u>7:26E-5.2(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the Remedial Action Selection Report with the Remedial Action Report.</u>	<u>7:26E-5.2(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>6</u>	<u>Remedial Action</u>				
	<u>Failure to notify the Department and the local governing body pursuant to N.J.A.C. 7:26E-1.4.</u>	<u>7:26E-6.1(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Implementation of a remedial action that has not been approved by the Department when such approval is required.</u>	<u>7:26E-6.1(b)1</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Implementation of a remedial action that fails to comply with all applicable remediation standards in effect at the time the remedial action workplan is approved by the Department.</u>	<u>7:26E-6.1(b)2</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Implementation of a remedial action that fails to comply with all applicable Federal, State and local laws, regulations and requirements.</u>	<u>7:26E-6.1(b)3</u>	<u>NM</u>		<u>\$5,000</u>

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	<u>Implementation of a remedial action that caused an uncontrolled or unpermitted discharge or transfer of contaminants from one media to another.</u>	<u>7:26E-6.1(b)4</u>	<u>NM</u>		<u>\$20,000</u>
	<u>Failure to treat or remove free and/or residual product when practical, or to contain same when treatment or removal are not practical.</u>	<u>7:26E-6.1(d)</u>	<u>NM</u>		<u>\$20,000</u>
	<u>Failure to establish institutional controls for a restricted use or a limited use remedy.</u>	<u>7:26E-6.1(e)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to conduct the remediation of historic fill pursuant to N.J.A.C. 7:26E-6.2(c), or for other fill material pursuant to N.J.A.C. 7:26E-5.1.</u>	<u>7:26E-6.1(f)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure to submit a Remedial Action Workplan when required, according to the applicable schedule and which complies to the specified format.</u>	<u>7:26E-6.2(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit the Remedial Investigation Report, or a summary if previously submitted, as the first section of the Remedial Action Workplan.</u>	<u>7:26E-6.2(a)1</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to include in the Remedial Action Workplan a sampling summary table.</u>	<u>7:26E-6.2(a)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a proposal to complete all the requirements at N.J.A.C 7:26E-6.</u>	<u>7:26E-6.2(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan the identification of all applicable remediation standards.</u>	<u>7:26E-6.2(a)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a detailed description of the remedial action and the remedial technology to be conducted for each area of concern.</u>	<u>7:26E-6.2(a)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include in the Remedial Action Workplan a map that identifies all areas where remedial action will be conducted, and provides information about the remedial action to be taken at each area, as specified.</u>	<u>7:26E-6.2(a)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a quality assurance project plan.</u>	<u>7:26E-6.2(a)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a list of all required permits.</u>	<u>7:26E-6.2(a)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan required information regarding construction activity.</u>	<u>7:26E-6.2(a)9</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a description of soil and sediment erosion control and monitoring, and dust and odor control and monitoring procedures to be implemented during remedial activities.</u>	<u>7:26E-6.2(a)10</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a health and safety plan.</u>	<u>7:26E-6.2(a)11</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a detailed description of site restoration plans.</u>	<u>7:26E-6.2(a)12</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a description of procedures for dismantling and removal of remedial structures and equipment from the site.</u>	<u>7:26E-6.2(a)13</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a cost estimate for the remedial action.</u>	<u>7:26E-6.2(a)14</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include in the Remedial Action Workplan a proposed completion date and a schedule of the remedial action.</u>	<u>7:26E-6.2(a)15</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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<u>Failure to include in the Remedial Action Workplan the documentation required for the establishment of a deed notice.</u>	<u>7:26E-6.2(a)16</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Workplan the documentation required for the establishment of a classification exception area.</u>	<u>7:26E-6.2(a)17</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Workplan a plan for maintenance and evaluation of all engineering and institutional controls.</u>	<u>7:26E-6.2(a)18</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct an evaluation pursuant to N.J.A.C 7:26E-6.4(d) and submit a soil reuse proposal.</u>	<u>7:26E-6.2(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>
<u>Failure to propose engineering and institutional controls when historic fill material will not be treated or removed.</u>	<u>7:26E-6.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to contain or stabilize contaminants in all media, as a first priority, to prevent contaminant exposure to receptors and to prevent further movement of contaminants through any pathway.</u>	<u>7:26E-6.3(a)</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to properly drain piping and pump out and clean tanks during tank closure.</u>	<u>7:26E-6.3(b)1</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to plug openings of tank as required during tank closure.</u>	<u>7:26E-6.3(b)2</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to excavate the soil around the tank and remove and secure the tank as required.</u>	<u>7:26E-6.3(b)3</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to inspect the tank for holes and report the findings to DEP as required.</u>	<u>7:26E-6.3(b)4</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to properly label a tank for disposal.</u>	<u>7:26E-6.3(b)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to remove and dispose of a tank in accordance with all applicable laws and regulations.</u>	<u>7:26E-6.3(b)6</u>	<u>NM</u>		<u>\$8,000</u>

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<u>Failure to remediate piping systems associated with an underground storage tank in accordance with N.J.A.C. 7:26E-3.9(a)5.</u>	<u>7:26E-6.3(b)6v</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to conduct the required investigation or take the required actions, and to provide all the information necessary, to support the proposal of a natural ground water remediation.</u>	<u>7:26E-6.3(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to meet the monitoring and performance requirements for natural remediation.</u>	<u>7:26E-6.3(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to document the effectiveness of the remedial action.</u>	<u>7:26E-6.4(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to restore all areas subject to remediation to pre-remediation conditions.</u>	<u>7:26E-6.4(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to decommission all monitoring and extraction wells after completion of remediation.</u>	<u>7:26E-6.4(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to conduct a soil reuse evaluation and submit a proposal for soil reuse to the Department prior to the reuse of any soils, and to satisfy the required sampling requirements related to soil reuse.</u>	<u>7:26E-6.4(d)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to remediate property not owned by the person conducting the remediation to the applicable unrestricted use standard if the property owner does not consent in writing to implement the institutional or engineering controls and to record a deed notice.</u>	<u>7:26E-6.4(e)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to prepare a schedule of the remedial action when required.</u>	<u>7:26E-6.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to prepare a schedule of the remedial action that includes the information specified in this section.</u>	<u>7:26E-6.5 (b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to revise the remedial action schedule and submit it to the Department.</u>	<u>7:26E-6.5(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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<u>Failure to submit remedial action progress reports as required.</u>	<u>7:26E-6.6(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to include the required information in the remedial action progress report.</u>	<u>7:26E-6.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit a Remedial Action Report that complies with the content and format requirements specified by this section.</u>	<u>7:26E-6.7(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to include as the first section of the Remedial Action Report the Remedial Investigation Report, or a summary if previously submitted.</u>	<u>7:26E-6.7(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report a summary of all remedial actions completed, by area of concern.</u>	<u>7:26E-6.7(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report a list of the remediation standards achieved for each remedial action.</u>	<u>7:26E-6.7(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report "as-built" diagrams for any permanent structures.</u>	<u>7:26E-6.7(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report a detailed description of site restoration activities.</u>	<u>7:26E-6.7(b)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report a report of remedial action costs, including an estimate to monitor and maintain and certify the protectiveness of each engineering and/or institutional control.</u>	<u>7:26E-6.7(b)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report the required information concerning soils and sediments.</u>	<u>7:26E-6.7(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to include in the Remedial Action Report graphs depicting changes in contaminant concentrations over time in all monitoring wells.</u>	<u>7:26E-6.7(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to include in the Remedial Action Report the information required for natural remediation ground water remedial action.</u>	<u>7:26E-6.7(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>7</u>	<u>Permit Identification and Application Schedule</u>				
	<u>Failure to identify all relevant Federal, State and local permits of permit modifications or certifications needed to implement the selected remedial action.</u>	<u>7:26E-7.1(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to apply for and obtain all required permits prior to initiating the remedial action.</u>	<u>7:26E-7.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure to develop a permit application schedule when required.</u>	<u>7:26E-7.1(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>8</u>	<u>Engineering and Institutional Controls</u>				
	<u>Failure to propose a deed notice, pursuant to N.J.A.C. 7:26E-8.2.</u>	<u>7:26E-8.1(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to demonstrate in the Remedial Action Workplan that the selected remedial action will remain protective, that contamination exposure can be controlled, and all current and future uses of the site will be consistent with the remedial action.</u>	<u>7:26E-8.1(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to monitor each engineering and institutional control.</u>	<u>7:26E-8.1(b)3</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to record a deed notice for the site pursuant to NJAC 7:26E-8.2(c) and (d).</u>	<u>7:26E-8.2(a)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to provide the Department documentation of the owner's consent to record the necessary deed notice pursuant to NJAC 7:26E-8.2(b).</u>	<u>7:26E-8.2(a)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to provide the Department with a copy of the property owner's consent to record a deed notice as part of the remedial action workplan pursuant to N.J.A.C. 7:26E-6.2(a)16.</u>	<u>7:26E-8.2(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>

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	<u>For a property that is owned by a local, county, state or federal government agency, failure to submit a draft notice worded pursuant to NJAC 7:26E-8.2(d).</u>	<u>7:26E-8.2(c)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>For a property that is owned by the U.S. Department of Defense, failure to draft an amendment to the Base Master Plan or Land Use Control Assurance Plan worded pursuant to NJAC 7:26E-8.2(d).</u>	<u>7:26E-8.2(c)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to provide the Department with a draft deed notice pursuant to NJAC 7:26E-8.2(d).</u>	<u>7:26E-8.2(c)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a draft deed notice to the Department, as part of the remedial action work plan, that is worded exactly as the model document in N.J.A.C. 7:26E, Appendix E, and includes copies of all required maps.</u>	<u>7:26E-8.2(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a final draft of the deed notice to the Department as part of the remedial action report.</u>	<u>7:26E-8.2(e)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to have the owner of the property record the deed notice at the proper county office within 45 days of the Department's approval of the final deed notice.</u>	<u>7:26E-8.2(f)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to provide a paper copy of the document referenced in N.J.A.C. 7:26E-8.2(c)1, and an electronic copy in a read only format, including all of the exhibits, to the road department of each municipality and county in which the site is located, the NJ Department of Transportation, and utility companies with easements on the roadway.</u>	<u>7:26E-8.2(f)2</u>	<u>NM</u>		<u>\$5,000</u>

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<u>Failure to provide a copy of the recorded deed notice or document referenced in N.J.A.C. 7:26E-8.2(c)1 to the necessary recipients within 45 days of the Department's approval of the final deed notice.</u>	<u>7:26E-8.2(g)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit a MOA, remedial action workplan, and request to modify the DER or deed notice prior to redeveloping or changing the use of a site in a manner inconsistent with a remedial action, or conducting additional remediation or other activities.</u>	<u>7:26E-8.2(h)</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to submit a list of all contaminants and their concentrations that do not meet the GWQS from the most recent 24 months of ground water sampling for each ground water sampling point with the remedial action workplan.</u>	<u>7:26E-8.3(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit with the remedial action workplan, a description of the fate and transport of the contaminant plume.</u>	<u>7:26E-8.3(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit the required ground water classification exception area maps with the remedial action workplan.</u>	<u>7:26E-8.3(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit, with the remedial action workplan, information regarding current and projected use of the ground water in the aquifer(s) in which the ground water classification exception area is located.</u>	<u>7:26E-8.3(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit copies of notification letters sent to the required recipients, with the remedial action workplan.</u>	<u>7:26E-8.3(b)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to submit to the Department a monitoring/maintenance certification, for a deed notice and any engineering controls that are described in the deed notice, every two years on the anniversary of the date stamped on the deed notice that indicates when the deed notice was recorded.</u>	<u>7:26E-8.4(c)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit to the Department a monitoring/maintenance certification, for a ground water classification exception area, every two years on the anniversary of the date that the Department established the ground water classification exception area.</u>	<u>7:26E-8.4(c)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit to the Department a monitoring/maintenance certification, for all other engineering and institutional controls (besides a deed notice or ground water classification exception area), every two years on the anniversary of when the engineering or institutional control was in place.</u>	<u>7:26E-8.4(c)3</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit a biennial certification for all remedial actions and all engineering and institutional controls for the site to the Department in accordance with N.J.A.C. 7:26E-8.4 (c) and biennially thereafter on that same date.</u>	<u>7:26E-8.4(d)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to determine whether any actual or pending zoning or land use change is consistent with the deed notice or declaration of environmental restriction, or could undermine the protectiveness of the remedial action.</u>	<u>7:26E-8.5(a)1</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to conduct periodic site inspections to determine whether any disturbances of the soil have resulted in unacceptable exposure.</u>	<u>7:26E-8.5(a)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to compare laws, remediation standards, and other regulations applicable at the time the engineering or institutional control was established with any relevant subsequently promulgated or modified laws, regulations or standards to determine whether changes have occurred and whether each control complies with changes.</u>	<u>7:26E-8.5(a)3</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to develop a detailed log of how the RP has maintained and evaluated the engineering control in compliance with this section.</u>	<u>7:26E-8.5(a)4</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to prepare a monitoring report that includes the information listed at NJAC 7:26E-8.5(b)1-10.</u>	<u>7:26E-8.5(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to certify to the Department that the deed notice or declaration of environmental restrictions, including all engineering controls, is being properly maintained, and the remedial action that includes the deed notice or declaration of environmental restrictions continues to be protective of public health and the environment.</u>	<u>7:26E-8.5(c)1</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit a written and electronic version of the monitoring report along with the certification.</u>	<u>7:26E-8.5(c)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit the monitoring report and the certification in accordance with the schedule in N.J.A.C. 7:26E-8.4(c), to the municipal and county clerks; the local, county and regional health department; each owner of the property; or the Department.</u>	<u>7:26E-8.5(c)3</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to notify the Department of a change in obligations within 30 days of the effective date of the change.</u>	<u>7:26E-8.5(d)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to notify the Department of a change in obligations within 30 days of the effective date of the change.</u>	<u>7:26E-8.5(d)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to compare the laws, Ground Water Quality Standards, and other regulations, applicable at the time the Department established the ground water classification exception area, with any relevant subsequently promulgated or modified laws or regulation.</u>	<u>7:26E-8.6(a)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to determine whether there are any planned changes within the 25-year water use planning horizon for the aquifer(s) in which the ground water classification exception area is located.</u>	<u>7:26E-8.6(a)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to identify whether there have been any actual changes in the ground water use in the water use planning area since the Department established the ground water classification exception area or the last completed biennial review.</u>	<u>7:26E-8.6(a)3</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to inspect all ground water monitoring wells associated with the ground water classification exception area, maintain a log for each monitoring well, repair or replace damaged wells as needed, and decommission wells as required by this section.</u>	<u>7:26E-8.6(a)4</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to identify any land use disturbance that may intercept the water table within the area of the ground water classification exception area that could result in a contaminated discharge to surface water.</u>	<u>7:26E-8.6(a)5</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to determine whether any of the actual or proposed changes in the ground water use identified pursuant to NJAC 7:26E-8.6(a)2 and 3, have influenced or may influence the protectiveness of the remedial action that includes the ground water classification area.</u>	<u>7:26E-8.6(a)6i</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to determine whether there is a need to reevaluate the fate and transport of the ground water contamination plume and to revise the ground water classification exception area to ensure that the remedial action remains protective of the public health, safety and the environment.</u>	<u>7:26E-8.6(a)6ii</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to assess ground water quality within 120 calendar days after the projected expiration of the ground water classification exception area.</u>	<u>7:26E-8.6(a)7</u>	<u>M</u>	<u>90</u>	<u>\$5,000</u>
	<u>Failure to submit a monitoring report that includes all of the criteria outlined in N.J.A.C. 7:26C-8.6(b)1-13.</u>	<u>7:26E-8.6(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to certify that the ground water classification exception area continues to provide notice of the ground water contamination and the remedial action continues to be protective of the public health and safety and the environment.</u>	<u>7:26E-8.6(c)1</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit a report pursuant to NJAC 7:26E-8.6(b), in both paper copy and in electronic format acceptable to the Department.</u>	<u>7:26E-8.6(c)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit a ground water classification exception area certification in accordance with the schedule in N.J.A.C. 7:26E-8.4 to the Department, property owner, and each external agency.</u>	<u>7:26E-8.6(c)3</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to conduct a periodic inspection of a site with an institutional control.</u>	<u>7:26E-8.7(a)1i</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to evaluate any actual or pending zoning or land use changes that could undermine the remedial action.</u>	<u>7:26E-8.7(a)1ii</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to monitor each engineering control by periodically reviewing O&M records.</u>	<u>7:26E-8.7(a)2i</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to monitor each engineering control by conducting periodical inspections of each engineering control.</u>	<u>7:26E-8.7(a)2ii</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to compare the laws, remediation standards and other regulations applicable at the time the engineering or institutional control was established, with any relevant subsequently promulgated or modified laws or regulations to determine whether any subsequently promulgated or modified laws or regulations apply to the site, and whether each engineering and/or institutional control meet those new laws and regulations.</u>	<u>7:26E-8.7(a)3</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to develop a detailed log of how the RP has maintained and evaluated the engineering control in compliance with this section.</u>	<u>7:26E-8.7(a)4</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to prepare a monitoring report that includes all the information listed at NJAC 7:26E-8.7(b)1-9.</u>	<u>7:26E-8.7(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to certify to the Department that each engineering or institutional control is being properly maintained.</u>	<u>7:26E-8.7(c)1</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to include a monitoring report required by NJAC 7:26E-8.7(b) with the certification.</u>	<u>7:26E-8.7(c)2</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to submit the certification to the Department pursuant to the schedule and address in 7:26E-8.4(e)1.</u>	<u>7:26E-8.7(c)3</u>	<u>NM</u>		<u>\$8,000</u>
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3. The Industrial Site Recovery Act Regulations N.J.A.C 7:26B					
	<u>Subchapter & Violation</u>	<u>Citation 7:26B-</u>	<u>Type of Violation</u>	<u>Grace Period (Days)</u>	<u>Base Penalty</u>
<u>1</u>	<u>General Information</u>				
	<u>Failure to submit certifications and signatories.</u>	<u>7:26B-1.6(a)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit certifications and signatories for a Remediation Agreement of Remediation Agreement Amendment.</u>	<u>7:26B-1.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to have all certifications notarized.</u>	<u>7:26B-1.6(f)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to complete additional remediation and address deficiencies in submittals.</u>	<u>7:26B-1.7(b)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure of owner or operator to give consent to right of entry and inspection by the Department.</u>	<u>7:26B-1.9(a)</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure of buyer or transferee to give consent to right of entry and inspection by the Department.</u>	<u>7:26B-1.9(b)1</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure of buyer or transferee to give consent to right of entry for implementation of a remedial action workplan or compliance with the conditions of a remediation agreement.</u>	<u>7:26B-1.9(b)2</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure to provide assistance to the Department during any site inspection.</u>	<u>7:26B-1.9(c)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure to obtain a no further action letter, remedial action workplan approval, remediation agreement or Departmentally issued authorization letter prior to the transfer of an industrial establishment.</u>	<u>7:26B-1.10(c)</u>	<u>NM</u>		<u>\$5,000</u>

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	<u>Failure to amend a General Information Notice for any subsequent transfers of ownership or operations.</u>	<u>7:26B-1.10(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>3</u>	<u>General Information Notice</u>				
	<u>Failure to submit a General Information Notice within five calendar days after the occurrence of a transaction event.</u>	<u>7:26B-3.2(a)</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to remediate a site in accordance with ISRA when a written notice is required to be submitted.</u>	<u>7:26B-3.2(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit a complete and accurate GIN.</u>	<u>7:26B-3.3(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit revisions to the General Information Notice within 30 calendar days of discovery that the original General Information Notice is incorrect, inaccurate, or incomplete.</u>	<u>7:26B-3.4(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>4</u>	<u>Remediation Agreement</u>				
	<u>Failure to submit a Remediation Agreement application prior to the transfer of the industrial establishment without the Department's approval of a negative declaration or remedial action workplan.</u>	<u>7:26B-4.1(a)</u>	<u>NM</u>		<u>\$5,000</u>
<u>6</u>	<u>Remediation Procedures</u>				
	<u>Failure to submit a Preliminary Assessment Report within the required timeframe.</u>	<u>7:26B-6.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a Site Investigation Report within 120 calendar days after the date the submission of written notice is required.</u>	<u>7:26B-6.1(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a Remedial Investigation Workplan within 180 calendar days after the date the submission of written notice.</u>	<u>7:26B-6.1(d)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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	<u>Failure to submit a Remedial Investigation Report within 300 calendar days after the date the submission of written notice, or within 120 calendar days after the receipt of the Department's written approval of the remedial investigation workplan.</u>	<u>7:26B-6.1(e)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Commenced a remedial action, which does not meet the criteria in N.J.A.C. 7:26B-6.2(b), without the Department's approval of a remedial action workplan.</u>	<u>7:26B-6.2(a)</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to submit, within 420 days after the date of submission of written notice, a certification that there are no areas of concern at the industrial establishment where hazardous substances have migrated or are migrating from, involving remediation of groundwater or surface water, and a summary and schedule of completed and proposed soil remedial actions.</u>	<u>7:26B-6.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to certify the notification referenced in 7:26B-6.2(c).</u>	<u>7:26B-6.2(d)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit a notification in accordance with N.J.A.C. 7:26E-1.4.</u>	<u>7:26B-6.2(e)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit progress reports when required.</u>	<u>7:26B-6.2(f)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a Remedial Action Workplan within 420 days after the date of the submission of the written notice, or within 120 days after approval of the Remedial Investigation Report.</u>	<u>7:26B-6.2(g)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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	<u>Failure to submit a Ground water or Surface Water Remedial Action Workplan within 420 days after the date of the submission of the written notice, or within 120 days after approval of the Remedial Investigation Report.</u>	<u>7:26B-6.3</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a Remediation Funding Source upon the Department's approval of a remedial action workplan.</u>	<u>7:26B-6.4</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to remediate a site in accordance with a schedule.</u>	<u>7:26B-6.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit all workplans and reports documenting the completion of remediation.</u>	<u>7:26B-6.6</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a negative declaration subsequent to closing operations, or the public release of its decision to close operations, or prior to transferring ownership or operations of the industrial establishment.</u>	<u>7:26B-6.7(a)</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to submit a negative declaration.</u>	<u>7:26B-6.7(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include all required information in the submission for a negative declaration.</u>	<u>7:26B-6.7(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to certify a Negative Declaration in accordance with N.J.A.C. 7:26B-1.6.</u>	<u>7:26B-6.7(d)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>8</u>	<u>Fee Schedule and Direct Billing Fees</u>				
	<u>Failure to pay fees in accordance with Fee Schedule.</u>	<u>7:26B-8.1(a)</u>	<u>M</u>	<u>30</u>	<u>20% of outstanding fee</u>
	<u>Failure to pay oversight costs.</u>	<u>7:26B-8.2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>A</u>	<u>Appendix A: Standard ISRA Remediation Agreement</u>				
	<u>Failure to submit a Remedial Investigation Work Plan including a baseline ecological evaluation and all other required work that the Department has not already approved.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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<u>Failure to modify the Remedial Investigation Work Plan to conform to the Department's comments and re-submit.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to conduct the remedial investigation in accordance with the approved Remedial Investigation Work Plan and schedule.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to submit a Remedial Investigation Report in accordance with N.J.A.C. 7:26E and the Remedial Investigation Work Plan and schedule.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to conduct additional remedial investigation as required, including submission of another Remedial Investigation Work Plan and schedule, and another Remedial Investigation Report.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to modify the Remedial Investigation Report to conform to the Department's comments re-submit.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to submit a Remedial Action Work Plan.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to modify the Remedial Action Work Plan to conform to the Department's comments and re-submit.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to implement the approved Remedial Action Work Plan in accordance with the schedule.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to submit to the Department a Remedial Action Report in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Remedial Action Work Plan and schedule.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to conduct additional remediation as directed and submit subsequent Remedial Investigation Report and Remedial Action Report as applicable.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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<u>Failure to modify the Remedial Action Report to conform the Department's comments and agrees to submit the modified Remedial Action Report to the Department.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to conduct additional remediation as required.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to submit a negative declaration as required.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit quarterly progress reports.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to submit all documents required by the Remediation Agreement, including correspondence relating to force majeure issues, by delivery with an acknowledgement of receipt from the Department.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit the name, title, address and telephone number of the technical contact.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to submit all required payments and required number of copies of all documents.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to notify the Department's contact person at least fourteen (14) calendar days prior to the initiation of any field activities at the Site which are related to remediation, development or redevelopment.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to submit an extension request two weeks prior to any applicable deadline to which the extension request refers.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to establish and maintain a remediation funding source in an amount equal to the Department-approved estimate of the remediation costs, including all operation, maintenance and monitoring costs of all engineering and institutional controls.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>

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<u>Failure to pay an annual remediation funding source surcharge when required.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to annually submit a detailed review of all remediation costs as required.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to increase the amount of the remediation funding source within thirty (30) calendar days after receipt of written notice from the Department.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
<u>Failure to maintain the remediation funding source in an amount necessary to pay for the operation maintenance and monitoring of the engineering and institutional controls.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
<u>Failure to submit appropriate fees.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>20% of outstanding fee</u>
<u>Failure to submit a check for the full amount of the Department's oversight costs, for the period invoiced.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to pay oversight costs accrued prior to termination</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to pay interest on the unpaid balance of oversight costs.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to notify the Department as required in writing within seven (7) calendar days of the start of delay or knowledge of the anticipated delay and to take all necessary action to prevent or minimize any such delay.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to submit a certified check made payable to the "Treasurer, State of New Jersey" for \$[penalty amount].00, upon submittal of signed Remediation Agreement.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to pay penalties for violations of the Remediation Agreement, or for failure to implement and maintain institutional controls that are part of a remedial action implemented pursuant to the Remediation Agreement.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to allow the Department and its authorized representatives access to all areas of the Site as required.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure to provide a copy of the Remediation Agreement to each contractor and subcontractor retained to perform the work required by the Remediation Agreement, to condition all contracts and subcontracts entered for the performance of such work upon compliance with its terms and conditions, and to be responsible to the Department for ensuring that contractors and subcontractors perform the work in accordance with the Remediation Agreement.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit all data and information developed pursuant to the Remediation Agreement as required.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to comply with the Remediation Agreement.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to record a copy of the Remediation Agreement with the County Clerk and to provide the Department with written verification of filing as required.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to preserve and submit all data and information, as required.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to provide written notice of dissolution of identity, liquidation of assets or the closure, termination or transfer of operations prior to such action; submit a cost review; provide written notice of a filing of a petition for bankruptcy, and when requested, within fourteen (14) days increase the remediation funding source.</u>	<u>7:26B-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>

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	<u>Failure to submit two original copies of the signed Remediation Agreement, documentary evidence that the signatory has the authority to commit to the terms of the Remediation Agreement, and proof that the remediation funding source has been established.</u>	<u>7:26B-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
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4. Department Oversight of the Remediation of Contaminated Sites N.J.A.C 7:26C

<u>Subchapter & Violation</u>		<u>Citation 7:26C-</u>	<u>Type of Violation</u>	<u>Grace Period (Days)</u>	<u>Base Penalty</u>
<u>1</u>	<u>General Information</u>				
	<u>Failure to submit the signatures and certifications specified in N.J.A.C. 7:26C-1.2 (a)-(c)(1).</u>	<u>7:26C-1.2</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit payment of the applicable oversight costs to the Department.</u>	<u>7:26C-1.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to notify the Department immediately upon knowledge of a condition that posed an immediate environmental concern to the public health and safety and to the environment.</u>	<u>7:26C-1.5(c)</u>	<u>NM</u>		<u>\$8,000</u>
<u>7</u>	<u>Remediation Funding Sources</u>				
	<u>Failure to establish and maintain a remediation funding source.</u>	<u>7:26C-7.2(a)</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to establish and maintain a remediation-funding source in an amount equal to the estimated cost of the remediation.</u>	<u>7:26C-7.2(c)1</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to establish and maintain a remediation-funding source for a period of not less than the actual time necessary to complete the remediation.</u>	<u>7:26C-7.2(c)2</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to submit information regarding areas of concern and cost estimate.</u>	<u>7:26C-7.3(a)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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	<u>Failure to submit information required by the Department pursuant to N.J.A.C. 7:26C-7.3(b).</u>	<u>7:26C-7.3(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the required remediation trust fund agreement along with signed copies of the ACO, directive, court order or other judicial settlement.</u>	<u>7:26C-7.4(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the required remediation trust fund information pursuant to N.J.A.C. 7:26C-7.4(b).</u>	<u>7:26C-7.4(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit to the Department, 30 days prior to the anniversary date of remediation trust fund, a written statement from the trustee confirming the value of the trust in an amount the Department approved</u> -	<u>7:26C-7.4(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit an environmental insurance policy.</u>	<u>7:26C-7.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to obtain an environmental insurance policy issued by an entity licensed by the State of New Jersey Dept.of Insurance to transact business in the State of New Jersey, that contains the information specified in N.J.A.C. 7:26C-7.5(b)1-5.</u>	<u>7:26C-7.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit to the Department, 30 days prior to the anniversary date of the environmental insurance policy, a written statement from the insurance company confirming the value of the environmental insurance policy in an amount the Department approved and renewal of the policy for the next 12-month period.</u>	<u>7:26C-7.5(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the line of credit agreement pursuant to N.J.A.C.7:26C-7.6(b).</u>	<u>7:26C-7.6(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to obtain a line of credit issued by an entity licensed by the State of New Jersey Dept.of Insurance to transact business in the State of New Jersey, that contains the information specified in N.J.A.C. 7:26C-7.6(b)1-5.</u>	<u>7:26C-7.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit to the Department, 30 days prior to the anniversary date of the establishment of the line of credit, a written statement from the lender confirming the value of the line of credit in an amount the Department approved and renewal of the line of credit for the next 12-month period.</u>	<u>7:26C-7.6(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the required remediation funding source surcharge.</u>	<u>7:26C-7.8(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to increase the remediation funding source amount to an amount equal to the revised cost estimate of the remediation pursuant to N.J.A.C. 7:26C-7.</u>	<u>7:26C-7.9(d)</u>	<u>NM</u>		<u>\$5,000</u>
<u>8</u>	<u>Site Access</u>				
	<u>Failure to send a written request for access as required to each property owner.</u>	<u>7:26C-8.2(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to send a second written request for access as required to each property owner.</u>	<u>7:26C-8.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to initiate and vigorously pursue site access via legal action and provide written confirmation to the Department, as required.</u>	<u>7:26C-8.2(e)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>9</u>	<u>Oversight Costs</u>				
	<u>Failure to submit the payment of applicable fixed cost fees.</u>	<u>7:26C-9.2(a)</u>	<u>M</u>	<u>30</u>	<u>20% of outstanding fee</u>
	<u>Failure to submit the payment of the Department's oversight costs.</u>	<u>7:26C-9.3(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>A</u>	<u>Appendix A: Standard Administrative Consent Order</u>				

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	<u>Failure to submit a Remedial Investigation Work Plan including a baseline ecological evaluation and all other required work that the Department has not already approved.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to modify the Remedial Investigation Work Plan to conform to the Department's comments and re-submit.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to conduct the remedial investigation in accordance with the approved RI Work Plan and schedule.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit a Remedial Investigation Report in accordance with N.J.A.C. 7:26E and the RI Work Plan and schedule.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to conduct additional remedial investigation as required, including submission of another RI Workplan and schedule, and another RI Report.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to modify the RI Report to conform to the Department's comments re-submit.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a Remedial Action Work Plan.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to modify the Remedial Action Work Plan to conform to the Department's comments and re-submit.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to implement the approved Remedial Action Work Plan in accordance with the schedule.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit to the Department a Remedial Action Report in accordance with the Technical Requirements for Site Remediation, N.J.A.C. 7:26E, the Remedial Action Work Plan and schedule.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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	<u>Failure to conduct additional remediation as directed and submit subsequent Remedial Investigation Report and Remedial Action Report as applicable.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to modify the Remedial Action Report to conform the Department's comments and agrees to submit the modified Remedial Action Report to the Department.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to conduct additional remediation as required.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit quarterly progress reports.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit all documents required by the Administrative Consent Order, including correspondence relating to force majeure issues, by delivery with an acknowledgement of receipt from the Department.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the name, title, address and telephone number of the technical contact.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit all required payments and required number of copies of all documents.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to notify the Department's contact person at least fourteen (14) calendar days prior to the initiation of any field activities at the Site which are related to remediation, development or redevelopment.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit an extension request two weeks prior to any applicable deadline to which the extension request refers.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to establish and maintain a remediation funding source in an amount equal to the Department-approved estimate of the remediation costs, including all operation, maintenance and monitoring costs of all engineering and institutional controls.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to pay an annual remediation funding source surcharge when required.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to annually submit a detailed review of all remediation costs as required.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to increase the amount of the remediation funding source within thirty (30) calendar days after receipt of written notice from the Department.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to maintain the remediation funding source in an amount necessary to pay for the operation maintenance and monitoring of the engineering and institutional controls.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to submit a check for the full amount of the Department's oversight costs, for the period invoiced.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to pay oversight costs accrued prior to termination.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to pay interest on the unpaid balance of oversight costs.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to notify the Department as required in writing within seven (7) calendar days of the start of delay or knowledge of the anticipated delay and to take all necessary action to prevent or minimize any such delay.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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	<u>Failure to submit a certified check made payable to the "Treasurer, State of New Jersey" for \$[penalty amount].00, upon submittal of executed Administrative Consent Order.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to pay penalties for violations of the Administrative Consent Order, or for failure to implement and maintain institutional controls that are part of a remedial action implemented pursuant to the Administrative Consent Order.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to allow the Department and its authorized representatives access to all areas of the Site as required.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure to provide a copy of the Administrative Consent Order to contractors and subcontractors as required, to condition all contracts and subcontracts as required, and to ensure that contractors and subcontractors perform the work in accordance with the Administrative Consent Order.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit all data and information developed pursuant to the Administrative Consent Order as required.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to comply with the Administrative Consent Order.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to record a copy of the Administrative Consent Order with the County Clerk and to provide the Department with written verification of filing as required.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to preserve and submit all data and information, as required.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$3,000</u>

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	<u>Failure to provide written notice of dissolution of identity, liquidation of assets or the closure, termination or transfer of operations prior to such action; submit a cost review; provide written notice of a filing of a petition for bankruptcy, and when requested, within fourteen (14) days increase the remediation funding source.</u>	<u>7:26C-Appendix A</u>	<u>NM</u>		<u>\$5,000</u>
	<u>Failure to submit two original copies of the signed Administrative Consent Order, documentary evidence that the signatory has the authority to commit to the terms of the Administrative Consent Order, and proof that the remediation funding source has been established.</u>	<u>7:26C-Appendix A</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

5. The Underground Storage Tank Regulations N.J.A.C. 7:14B

<u>Subchapter & Violation</u>		<u>Citation 7:14B-</u>	<u>Type of Violation</u>	<u>Grace Period (Days)</u>	<u>Base Penalty</u>
<u>1</u>	<u>General Information</u>				
	<u>Failure to include signatures and certifications when making a submission to the Department pursuant to N.J.A.C. 7:14B.</u>	<u>7:14B-1.7(a)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to sign requisite certification by the appropriate party.</u>	<u>7:14B-1.7(b)2</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of a New Jersey professional engineer to sign and submit the requisite certification when submitting plans in accordance with N.J.A.C. 7:14B-10.3(b)1.</u>	<u>7:14B-1.7(c)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of an individual certified in the classification of subsurface evaluator to sign and submit the requisite certification when submitting documents in accordance with N.J.A.C. 7:14B-10.3(b)9.</u>	<u>7:14B-1.7(d)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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	<u>Failure of an individual to sign and submit the requisite certification when submitting documents in accordance with N.J.A.C. 7:14B-13.3(C).</u>	<u>7:14B-1.7(e)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of an individual certified as a subsurface evaluator to sign, date and submit the requisite certification when submitting a cathodic protection permit application in accordance with N.J.A.C. 7:14B-10.3(b)5.</u>	<u>7:14B-1.7(f)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of an individual certified as a subsurface evaluator who conducts or directs activities and prepares documents in accordance N.J.A.C. 7:14B-8.5 or 9.5 to sign, date and submit the requisite certification.</u>	<u>7:14B-1.7(g)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of an individual certified as a subsurface evaluator who prepares documents in accordance with N.J.A.C. 7:14B-8.5 or 9.5 for another certified subsurface evaluator who conducted or directed on-site activities, to sign, date and submit the requisite certification.</u>	<u>7:14B-1.7(h)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>3</u>	<u>Fees</u>				
	<u>Failure to pay fees for tank registration, renewal & permit activity as required.</u>	<u>7:14B-3</u>	<u>M</u>	<u>30</u>	<u>20% of outstanding fee</u>
	<u>Failure to submit oversight costs as required by N.J.A.C. 7:26C-9.3 and 9.5.</u>	<u>7:14B-3.5(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>7</u>	<u>Release Reporting and Investigation</u>				
	<u>Failure of an owner/operator to perform an investigation of a suspected release within seven days of the discovery of the suspected release.</u>	<u>7:14B-7.1(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to perform an investigation of a suspected release in accordance with all required procedures.</u>	<u>7:14B-7.2(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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	<u>Failure to perform a Site Investigation within 60 calendar days of discovery of a suspected release, in accordance with N.J.A.C. 7:26E-3.3, when the 7-day investigation was inconclusive in confirming or disproving a suspected release.</u>	<u>7:14B-7.2(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to immediately report a confirmed discharge to the appropriate local health agency and the Department's Environmental Action Hotline.</u>	<u>7:14B-7.3(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to perform the remedial actions set forth in N.J.A.C. 7:14B-8.</u>	<u>7:14B-7.3(c)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to implement the release response plan when a discharge was identified.</u>	<u>7:14B-7.3(d)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to report a discharge of a reportable quantity of hazardous substances other than petroleum or waste oil to the National Response Center per 40 CFR Part 302.</u>	<u>7:14B-7.3(e)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to perform a site investigation in accordance with N.J.A.C. 7:26E-3.3 and/or submit a site investigation report in accordance with N.J.A.C. 7:26E-3.13 when required by the Department due to a suspected discharge.</u>	<u>7:14B-7.4</u>	<u>NM</u>		<u>\$8,000</u>
<u>8</u>	<u>Remediation Activities</u>				
	<u>Failure to take immediate action upon confirming a release.</u>	<u>7:14B-8.1(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to take immediate action to determine the source of the discharge upon confirming a release.</u>	<u>7:14B-8.1(a)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to take immediate action to cease use of the underground storage tank system upon confirming a release.</u>	<u>7:14B-8.1(a)2</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to take immediate action to mitigate any fire, safety or health hazard upon confirming a release.</u>	<u>7:14B-8.1(a)3</u>	<u>NM</u>		<u>\$20,000</u>

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<u>Failure to take immediate action to conduct a visual inspection to detect and mitigate the effects of evident discharges upon confirming a release.</u>	<u>7:14B-8.1(a)4</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to take immediate action to properly remove all hazardous substances from the underground storage tank system upon confirming a release.</u>	<u>7:14B-8.1(a)5</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to take immediate action to repair, replace or close the underground storage tank system upon confirming a release.</u>	<u>7:14B-8.1(a)6</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to take immediate action to comply with the reporting requirements at N.J.A.C. 7:14B-7.3 upon confirming a release.</u>	<u>7:14B-8.1(a)7</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to perform a remedial investigation in accordance with N.J.A.C. 7:26E-4.</u>	<u>7:14B-8.2(a)1</u>	<u>Defer to specific 7:26E-4 violations</u>		<u>Defer to specific 7:26E-4 penalties</u>
<u>Failure to perform a remedial action in accordance with the requirements of N.J.A.C. 7:26E-6.</u>	<u>7:14B-8.2(a)2</u>	<u>Defer to specific 7:26E-6 violations</u>		<u>Defer to specific 7:26E-6 penalties</u>
<u>Failure to determine the classification of any wastes that are generated during the remedial investigation or remedial action.</u>	<u>7:14B-8.2(a)3</u>	<u>M</u>	<u>60</u>	<u>\$5,000</u>
<u>Failure to remove all non-hazardous wastes from the site or treat soils on site in accordance with N.J.A.C. 7:26E-5 and 6, or reuse soils in accordance with N.J.A.C. 7:26E-6.2(b) upon Department approval, within six months after generation.</u>	<u>7:14B-8.2(a)4</u>	<u>M</u>	<u>90</u>	<u>\$5,000</u>
<u>Failure to remove all hazardous wastes from the site within 90 days of generation.</u>	<u>7:14B-8.2(a)5</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to submit the Remedial Investigation Report to the Department and local health agencies within 120 days after notification to the Department of the discharge.</u>	<u>7:14B-8.3(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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	<u>Failure to submit a Remedial Action Selection report prepared in accordance with N.J.A.C. 7:26E within 120 days after notification to the Department of the discharge.</u>	<u>7:14B-8.3(a)1</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to have a remedial investigation report prepared by a Department Certified Subsurface Evaluator.</u>	<u>7:14B-8.3(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to submit a request for No Further Action, a remedial investigation workplan, or a remedial action workplan with the remedial investigation report.</u>	<u>7:14B-8.3(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to submit a remedial investigation report prepared in accordance with N.J.A.C. 7:26E-4.8, within 90 days of the approval of the remedial investigation workplan.</u>	<u>7:14B-8.3(d)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to conduct additional sampling and analysis as required by the Department and/or submit a remedial investigation workplan in the timeframe required by the Department.</u>	<u>7:14B-8.3(e)</u>	<u>M</u>	<u>60</u>	<u>\$8,000</u>
	<u>Failure to revise inadequate or incomplete submittals and resubmit the required information to the Department within 30 days or in the timeframe specified.</u>	<u>7:14B-8.3(f)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to accept or reject in writing the Department's conditions for approved remedial investigation or remedial action workplans. Failure to submit a revision to said remedial investigation or remedial action workplan within 30 calendar days or in the timeframe specified.</u>	<u>7:14B-8.3(g)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to provide the Department with 14 calendar days notice prior to initiation of remedial activities.</u>	<u>7:14B-8.3(i)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to allow the Department site access to observe remedial activities.</u>	<u>7:14B-8.3(i)</u>	<u>NM</u>		<u>\$12,000</u>

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<u>Failure to submit a remedial action workplan, for a portion of the facility that is determined to present an immediate threat to health and the environment, to the Department within 45 days of the Department's request.</u>	<u>7:14B-8.3(k)</u>	<u>NM</u>		<u>\$20,000</u>
<u>Failure to implement the remedial action workplan within the timeframes approved by the Department and/or obtain all necessary permits to perform the remedial action workplan.</u>	<u>7:14B-8.4(a)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to submit a revised remedial action workplan upon discovery of new information available which was not adequately addressed in the original workplan.</u>	<u>7:14B-8.4(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to submit progress reports, prepared in accordance with N.J.A.C. 7:26E-6.5, within the time schedule approved in the remedial action workplan.</u>	<u>7:14B-8.4(d)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to submit a complete remedial action report, prepared in accordance with N.J.A.C. 7:26E-6.6, upon full implementation of the remedial action workplan.</u>	<u>7:14B-8.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to submit an amended Remedial Action Report, in the time frame specified by the Department, that addresses the deficiencies of the initial Remedial Action Report.</u>	<u>7:14B-8.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to remediate a discharge of hazardous substances in accordance with the Technical Requirements for Site Remediation at N.J.A.C.7:26E.</u>	<u>7:14B-8.6</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to conduct all remedial investigation and remedial action activities in accordance with N.J.A.C. 7:26E-1.9.</u>	<u>7:14B-8.7</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to empty and repair or close a tank system which has leaked a hazardous substance into the annular space created by the secondary containment system.</u>	<u>7:14B-8.8(a)</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
<u>Failure to submit to the Department a report which documents the investigation of the tank leak and it's repair.</u>	<u>7:14B-8.8(b)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>

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2	<u>Out-of-Service UST Systems and Closure of UST Systems</u>				
	<u>Failure to notify the Department within 30 days that a tank system is out of service.</u>	<u>7:14B-9.1(a)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to follow the requirements of API Bulletin No. 1604 when a tank system is out of service for greater than 3 months.</u>	<u>7:14B-9.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to properly submit documentation to the Department for the extension of the 12-month out of service period.</u>	<u>7:14B-9.1(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to close a tank system after it has been out of service for more than 12 months without the approval of the Department.</u>	<u>7:14B-9.1(d)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to have an individual certified in subsurface evaluation on site during the removal or abandonment-in-place of an underground storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities.</u>	<u>7:14B-9.1(e)</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure to notify the Department and all applicable local and county health departments in writing at least 30 days prior to closing an underground storage tank system.</u>	<u>7:14B-9.2(a)1</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to comply with all applicable requirements of the New Jersey Uniform Constriction Code regarding closing an underground storage tank system.</u>	<u>7:14B-9.2(a)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to include a copy of the Department notification with the application for a local demolition permit prior to closing an underground storage tank system.</u>	<u>7:14B-9.2(a)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>

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<u>Failure to submit a completed New Jersey Underground Storage Tank Registration Questionnaire and fees, if the tank is not already registered, at least 60 days prior to closing an underground storage tank system.</u>	<u>7:14B-9.2(a)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to develop and implement a closure plan pursuant to the procedures set forth in N.J.A.C. 7:26E-6.3(b).</u>	<u>7:14B-9.2(b)</u>	<u>Defer to specific 7:26E-6 violations</u>		<u>Defer to specific 7:26E-6 penalties</u>
<u>Failure to submit a closure plan to the Department when a variance from N.J.A.C. 7:26E is necessary.</u>	<u>7:14B-9.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
<u>Failure to follow the closure requirements set forth in N.J.A.C. 7:26-9 for underground storage tank systems regulated by the New Jersey Hazardous Waste Regulations.</u>	<u>7:14B-9.3(a)</u>	<u>Defer to specific 7:26-9 violations</u>		<u>Defer to specific 7:26-9 penalties</u>
<u>Failure to follow the closure requirements set forth in N.J.A.C. 7:14B-9.2 for underground storage tank systems containing hazardous wastes which are not subject to the New Jersey Hazardous Waste Regulations.</u>	<u>7:14B-9.3(b)</u>	<u>Defer to specific 7:14B-9.2 violations</u>		<u>Defer to specific 7:14B-9.2 penalties</u>
<u>Failure to insure the underground storage tank system is closed by an individual certified for closure per N.J.A.C. 7:14B-13.</u>	<u>7:14B-9.3(c)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to have an individual certified in subsurface evaluation on site during the removal or abandonment-in-place of an underground storage tank system and make all observations and decisions regarding site investigation and remedial investigation activities.</u>	<u>7:14B-9.3(d)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to empty and clean a tank prior to storing a non-hazardous substance.</u>	<u>7:14B-9.4(a)1</u>	<u>NM</u>		<u>\$8,000</u>
<u>Failure to perform a site investigation in accordance with N.J.A.C. 7:26E-3, before the substance being stored was changed to a non-hazardous substance.</u>	<u>7:14B-9.4(a)2</u>	<u>NM</u>		<u>\$8,000</u>

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	<u>Failure to submit a site investigation report, prepared and presented in accordance with N.J.A.C. 7:26E-3.13, within 120 calendar days after the tank cleaning.</u>	<u>7:14B-9.4(a)3</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to immediately notify the Department upon identification of a discharge during activities associated with N.J.A.C. 7:14B-9.4(a), and to conduct a remedial investigation.</u>	<u>7:14B-9.4(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to submit to the Department a site investigation report within 120 days of the initiation of breaking ground for closure activities.</u>	<u>7:14B-9.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$8,000</u>
	<u>Failure to have an individual certified in subsurface evaluation prepare the site investigation report required at N.J.A.C. 7:14B-9.5(a).</u>	<u>7:14B-9.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to maintain and make available to the Department upon request all records generated per N.J.A.C. 7:14B-9.</u>	<u>7:14B-9.5(c)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>10</u>	<u>Permitting Requirements for UST Systems</u>				
	<u>Failure to obtain a permit from the Department prior to the repair, installation, substantial modification or upgrade of an underground storage tank system.</u>	<u>7:14B-10.1(a)1</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to obtain a construction permit pursuant to the New Jersey Uniform Construction Code, N.J.A.C. 5:23, prior to repair, installation or upgrade of an underground storage tank system.</u>	<u>7:14B-10.1a)2</u>	<u>M</u>	<u>30</u>	<u>\$5,000</u>
	<u>Failure to maintain the required site diagrams and specification at the underground storage tank facility.</u>	<u>7:14B-10.1(f)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to obtain a permit from the Department prior to upgrading an underground storage tank system in a wellhead protection area.</u>	<u>7:14B-10.2(a)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to perform a site investigation prior to submitting a permit application for the upgrade or substantial modification of an underground storage tank system in a wellhead protection area.</u>	<u>7:14B-10.2(b)</u>	<u>M</u>	<u>60</u>	<u>\$4,000</u>

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	<u>Failure to submit a permit application on forms provided by the Department.</u>	<u>7:14B-10.3(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a scaled copy of the plans and specification for the proposed underground storage tank system installation, modification or upgrade which are signed and sealed by a New Jersey profession engineer.</u>	<u>7:14B-10.3(b)1</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a scaled copy of the plans and specification for the proposed underground storage tank system indicating the size and location of the tank systems, existing structures on the site, and distances from lot lines.</u>	<u>7:14B-10.3(b)2</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit information documenting soil permeability.</u>	<u>7:14B-10.3(b)3</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit required documentation of the depth to ground water.</u>	<u>7:14B-10.3(b)4</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit corrosion system designs which are properly certified.</u>	<u>7:14B-10.3(b)5</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a detailed description of the upgrade, installation, or repair that is to be performed.</u>	<u>7:14B-10.3(b)6</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit documentation of the precision of the performance of the release detection monitoring method chosen pursuant to N.J.A.C. 7:14B-6.1, 6.2 and 6.3.</u>	<u>7:14B-10.3(b)7</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit a scaled site diagram accurately indicating the locations of all sampling and monitoring points in relation to all underground storage tank systems at the facility.</u>	<u>7:14B-10.3(b)8</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit the required certification, signed by a Department certified subsurface evaluator, that the number and locations of all vapor or product monitoring points is sufficient to monitor the tank system.</u>	<u>7:14B-10.3(b)9</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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	<u>Failure to make the Department issued permit available for inspection by an authorized local, State or Federal representative and prominently display the permit at the facility site during the course of the permitted activity.</u>	<u>7:14B-10.5(a)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to maintain a set of approved plans at the facility site during the course of the permitted activity and make the approved plans available for inspection by an authorized local, State or Federal representative.</u>	<u>7:14B-10.5(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to contact the Department as required to obtain an emergency permit, and to submit a permit application within 14 calendar days of receipt of the emergency permit.</u>	<u>7:14B-10.6(b)</u>	<u>NM</u>		<u>\$8,000</u>
	<u>Failure to provide required information when requesting an emergency permit.</u>	<u>7:14B-10.6(c)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to make the Department issued emergency permit number available for inspection by an authorized local, State or Federal representative and prominently display the emergency permit number at the facility site during the course of the permitted activity.</u>	<u>7:14B-10.6(d)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to discontinue ongoing permitted activities upon receipt of a notice from Department denying or revoking a permit.</u>	<u>7:14B-10.8(e)</u>	<u>NM</u>		<u>\$8,000</u>
<u>11</u>	<u>Municipal Ordinances</u>				
	<u>Failure to obtain permission from the Department to enact a law or ordinance regulating underground storage tank systems subject to N.J.A.C. 7:14B.</u>	<u>7:14B-11.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit to the Department a complete application when seeking authority to enact an ordinance or law that provides rules and regulations that are more environmentally protective than N.J.A.C. 7:14B.</u>	<u>7:14B-11.2(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
	<u>Failure to submit to the Department a copy of the final ordinance.</u>	<u>7:14B-11.3(d)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>13</u>	<u>Certification of Individuals and Business Firms</u>				

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	<u>Failure to be certified in accordance with N.J.A.C. 7:14B-13 or work under the immediate, on-site supervision of a certified individual while performing services on underground storage tank systems regulated pursuant to N.J.A.C. 7:14B.</u>	<u>7:14B-13.1(a)</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure to make the Department-issued certification card available to the Department or its authorized agent upon request.</u>	<u>7:14B-13.1(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of a business firm to conspicuously display the Department-issued certificate at the office of the business firm.</u>	<u>7:14B-13.1(c)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure to ensure all services performed on regulated underground storage tank systems pursuant to N.J.A.C. 58:10A-21 et seq. and N.J.A.C. 7:14B are performed by a certified individual or under the immediate, on-site supervision of a certified individual.</u>	<u>7:14B-13.1(d)</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure of an individual performing services on a regulated underground storage tank system to be employed by a certified firm and be certified in the same category of service as the firm.</u>	<u>7:14B-13.1(e)1</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure of an individual performing services on a regulated underground storage tank system to be employed by a certified firm and work under the immediate on-site supervision of an individual certified in the same category of service as the firm.</u>	<u>7:14B-13.1(e)2</u>	<u>NM</u>		<u>\$12,000</u>
	<u>Failure of an individual or business firm to notify the Department in writing within three business days of any amendments to the certification.</u>	<u>7:14B-13.1(h)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
	<u>Failure of a business firm to notify the Department in writing, within three business days, of a certifying officer leaving the business firm or losing his or her certification.</u>	<u>7:14B-13.1(j)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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<u>Failure of an individual certified pursuant to N.J.A.C. 7:14B-13 to sign the certification statement pursuant to N.J.A.C. 7:14B-10.3(b) for all documents prepared pursuant to N.J.A.C. 7:14B and submitted to the Department.</u>	<u>7:14B-13.1(k)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to make available to the local construction office a copy of the certification for the business or an individual's certification card when requested by the local construction official.</u>	<u>7:14B-13.1(l)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to attend annual eight-hour health and safety refresher courses as required by 26 C.F.R. 1910.120(e)(8).</u>	<u>7:14B-13.6(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to complete a Department-approved training course on the Department's rules and regulations concerning underground storage tanks within one year prior to certification renewal.</u>	<u>7:14B-13.6(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Performance of services for which certification is required after the expiration of a certification issued pursuant to N.J.A.C. 7:14B-13.</u>	<u>7:14B-13.7(d)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to provide proof of the individual's attendance at continuing education courses, required training courses, and supporting documentation of all requisites or prerequisites as required in N.J.A.C. 7:14B-13.6.</u>	<u>7:14B-13.7(f)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to maintain evidence of financial responsibility assurance pursuant to N.J.A.C. 7:14B-13.8, for the mitigation or remediation of a hazardous substance discharge resulting from the performance of such services.</u>	<u>7:14B-13.8(a)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to provide written notification to the Department 120 calendar days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance.</u>	<u>7:14B-13.8(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

<u>Subchapter and Violation</u>	<u>Citation</u>	<u>Type of Violation</u>	<u>Grace Period (days)</u>	<u>Base Penalty</u>
16 Certification Of Individuals And Business Firms For Unregulated Underground Storage Tank Systems				
<u>Failure to be certified in accordance with N.J.A.C. 7:14B-16 or work under the immediate, on-site supervision of a certified individual while performing services on unregulated heating oil tanks.</u>	<u>7:14B-16.2(a)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to make the Department-issued certification card available to the Department or its authorized agent upon request.</u>	<u>7:14B-16.2(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of a business firm to conspicuously display the Department-issued certificate at the office of the business firm.</u>	<u>7:14B-16.2(c)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of an owner or operator of an unregulated heating oil tank system to ensure all services performed on unregulated heating oil tanks are performed by a certified individual or under the immediate, on-site supervision of a certified individual.</u>	<u>7:14B-16.2(d)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure of an individual performing services on unregulated heating oil tanks to be employed by a certified firm and be certified in the same category of service as the firm.</u>	<u>7:14B-16.2(e)1</u>	<u>NM</u>		<u>\$12,000</u>

<u>Failure of an individual performing services on unregulated heating oil tanks to be employed by a certified firm and work under the immediate on-site supervision of an individual certified in the same category of service as the firm.</u>	<u>7:14B-16.2(e)2</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure of an individual or business firm performing services on unregulated heating oil tanks to submit a list of the maximum price that they will charge to perform those services for which he/she/it is certified.</u>	<u>7:14B-16.2(g)1</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of an individual or business firm performing services on unregulated heating oil tanks to cooperate in any audit of their pricing and business practices.</u>	<u>7:14B-16.2(g)2</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of an individual or business firm performing services on unregulated heating oil tanks to submit documentation of the cost to provide the services for which the Petroleum Underground Storage Tank Remediation and Upgrade Closure Fund is providing financial assistance.</u>	<u>7:14B-16.2(g)3</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of an individual or business firm to notify the Department in writing within three business days of any amendments to the certification other than those created by passing an examination.</u>	<u>7:14B-16.2(i)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

<u>Failure of a business firm to notify the Department in writing, within three business days, of a certifying officer leaving the business firm or losing his or her certification.</u>	<u>7:14B-16.2(j)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure of a business firm performing services on unregulated heating oil tanks to notify the Department in writing of the loss of the certifying individual's certification due to expiration, revocation or suspension and the name of the replacement individual.</u>	<u>7:14B-16.2(k)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to make available to the local construction office a copy of the certification for the business or an individual's certification card when requested by the local construction official.</u>	<u>7:14B-16.2(l)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to attend annual eight-hour health and safety refresher courses as required by 26 C.F.R. 1910.120(e)(8).</u>	<u>7:14B-16.7(a)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Failure to complete a Department-approved training course on the Department's rules and regulations concerning underground storage tanks within one year prior to certification renewal.</u>	<u>7:14B-16.7(b)</u>	<u>M</u>	<u>30</u>	<u>\$4,000</u>
<u>Performance of services for which certification is required after the expiration of a certification issued pursuant to N.J.A.C. 7:14B-16.</u>	<u>7:14B-16.8(d)</u>	<u>NM</u>		<u>\$12,000</u>

<u>Failure to provide proof of the individual's attendance at continuing education courses, required training courses, and supporting documentation of all requisites or prerequisites as required in N.J.A.C. 7:14B-16.7.</u>	<u>7:14B-16.8f)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>
<u>Failure to maintain evidence of financial responsibility assurance pursuant to N.J.A.C. 7:14B-16.9, for the mitigation or remediation of a hazardous substance discharge resulting from the performance of such services.</u>	<u>7:14B-16.9(a)</u>	<u>NM</u>		<u>\$12,000</u>
<u>Failure to provide written notification to the Department 120 calendar days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance.</u>	<u>7:14B-16.9(b)</u>	<u>M</u>	<u>30</u>	<u>\$3,000</u>

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7:26C-10.5 Penalty Adjustment Factors

(a) For violations that meet the criteria set forth at N.J.A.C. 7:26C-10.4(a)4, the Department may adjust the base penalty listed in the table at N.J.A.C. 7:26C-10.4(c) based on the following factors:

1. The Department may increase the amount of the penalty based on the compliance history of the violator as follows:

i. The second time that the same violation occurs, the Department may increase the amount of the penalty by a factor of two; and

ii. The third time the violation occurs and for each subsequent occurrence, the Department may increase the penalty by a factor of five.

2. The Department may increase the penalty by up to 100% if the violation is the result of any intentional, deliberate, purposeful, knowing or willful act or omission by the violator.

7:26C-10.6 Civil administrative penalty for submitting inaccurate or false information

(a) The Department may assess a civil administrative penalty pursuant to this section against each violator who submits inaccurate information or who makes a false statement, representation or certification in any application, record or other document required to be submitted or maintained pursuant to this chapter.

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

(c) The Department shall assess a civil administrative penalty for violations described in this section as follows:

1. For each intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty per act or omission shall be up to \$20,000 for the first offense, up to \$40,000 for the second offense and up to \$50,000 for the third and each subsequent offense; and

2. For all other conduct, the civil administrative penalty, per act or omission, shall be in the amount of up to \$1,000 for the first offense, up to \$2,000 for the second offense and up to \$5,000 for the third and each subsequent offense.

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

7:26C-10.7 Civil administrative penalty for economic benefit

(a) When the Department determines that the violator has gained an economic benefit from a violation, the Department shall, in addition to any other civil administrative penalty assessed pursuant to this subchapter, include as part of a civil administrative penalty the economic benefit (in dollars) which the violator has realized as a result of not complying, or by delaying

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compliance, with any applicable requirements.

(b) The Department shall include the following dollar amounts in its calculation of economic benefit:

1. The amount of savings realized from avoided capital or noncapital costs resulting from the violation;
2. The return earned or that may be earned on the amount of the avoided costs;
3. All benefits accruing to the violator as a result of a competitive market advantage enjoyed by reason of the violation; and
4. All other benefits resulting from the violation.

(c) The Department shall consider the following factors in determining economic benefit:

1. The amount of capital investments required, and whether they are one-time or recurring;
2. The amount of one-time nondepreciable expenditures;
3. The amount of annual expenses;
4. The useful life of capital;
5. Applicable tax, inflation and discount rates;
6. The amount of low interest financing, the low interest rate, and the corporate debt rate; and
7. Any other factors relevant to economic benefit.

(d) If the total economic benefit was derived from more than one violation, the Department may apportion the total economic benefit amount among the violations from which it was derived so as to increase each civil administrative penalty assessment to an amount no greater than \$50,000 per violation.

7:26C-10.8 Procedures for assessment and payment of civil administrative penalties

(a) In order to assess a civil administrative penalty for violations of an administrative order, an administrative consent order, a remediation agreement, a requirement of the Industrial Site Recovery Act Rules, a requirement of the Underground Storage Tank Rules, a requirement of the Discharges of Petroleum and Other Hazardous Substances Rules, a declaration of environmental restrictions, or a deed notice, the Department shall, by means of a notice of civil administrative penalty assessment, notify the violator by certified mail (return receipt requested) or by personal service. The Department may, in its discretion, assess a civil administrative penalty for more than one offense in a single notice of civil administrative penalty assessment or in multiple notices of civil administrative penalty assessment. In each notice of civil administrative penalty

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assessment the Department shall:

1. Identify the provisions violated;
2. Concisely state the facts which constitute the violation;
3. Order such violation to cease;
4. Specify the amount of the civil administrative penalty assessed pursuant to N.J.A.C. 7:26C-10.4; and
5. Advise the violator of the right to request an adjudicatory hearing pursuant to the procedure in N.J.A.C. 7:26C-10.6.

(b) Payment of the civil administrative penalty is due upon receipt by the violator of the Department's Final Order in a contested case or when a notice of civil administrative penalty becomes a Final Order, as follows:

1. If no hearing is requested pursuant to the procedures in N.J.A.C. 7:26C-10.6, a notice of civil administrative penalty assessment becomes a Final Order on the 21st calendar day following receipt by the violator;
2. If the Department denies the hearing request pursuant to the standards in the Administrative Procedure Act, N.J.S.A. 52-14B-1 et seq., a notice of civil administrative penalty assessment becomes a Final Order upon receipt by the violator of such denial; or
3. If an adjudicatory hearing is conducted, a notice of civil administrative penalty assessment becomes a Final Order upon receipt by the violator of a Final Order in a contested case.

(c) If the violator does not pay a civil administrative penalty within 30 calendar days after the date of a Final Order, and the penalty is not contested pursuant to N.J.A. C. 7:26C-10.6, or if the violator does not make a required payment pursuant to a payment schedule entered into with the Department, an interest charge shall accrue on the amount of the penalty from the 30th calendar day that amount was due and owing and continue until the violator pays the penalty in full.

(d) If a civil administrative penalty is appealed pursuant to N.J.A.C. 7:26C-10.6 and the amount of the penalty is upheld, in whole or in part, interest shall be calculated on that amount as of the 30th calendar day from the date the amount was due and owing and continue until the violator pays the penalty in full.

(e) The rate of interest charged on any late penalty shall be that established by the New Jersey Supreme Court for interest rates on judgments, as set forth in the Rules Governing the Courts of the State of New Jersey.

(f) The Department may assess and recover, by civil administrative order, the reasonable cost of preparing and successfully enforcing a civil administrative penalty. The assessment may be recovered at the same time as a civil administrative penalty, in addition to the penalty

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assessment.

7:26C-10.9 Procedures for requesting and conducting adjudicatory hearings

(a) To request an adjudicatory hearing to contest a notice of civil administrative penalty assessment or an administrative order assessed or issued pursuant to this chapter, the violator shall submit an original request in writing to the Department at the address in (d), below, within 20 calendar days after the violator's receipt of the notice of civil administrative penalty assessment or an administrative order. The violator shall include the following information in each hearing request:

1. The name, address, and telephone number of the violator and its authorized representative;
2. The date the violator received the notice of civil administrative penalty assessment or administrative order being contested;
3. A copy of the notice of civil administrative penalty assessment or an administrative order and a list of all issues being appealed;
4. The violator's defenses to each of the Department's findings of fact in the notice of civil administrative penalty assessment or administrative order stated in short and plain terms;
5. An admission or denial of each of the Department's findings of fact in the notice of administrative penalty assessment or administrative order. If the violator is without knowledge or information sufficient to form a belief as to the truth of a finding, the violator shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the violator intends in good faith to deny only a part or a qualification of a finding, the violator shall specify so much of it as is true and material and deny only the remainder. The violator may not generally deny all of the findings, but shall make all denials as specific denials of designated findings. For each finding the violator denies, the violator shall state the fact or facts as the violator believes it or them to be,
6. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request,
7. An estimate of the time required for the hearing (in days and/or hours); and
8. A request, if necessary, for a barrier-free hearing location for physically disabled persons.

(b) The Department shall deny the hearing request if:

1. The violator fails to include all the information required by (a) above; or
2. The Department does not receive the request within 20 calendar days after the violator received the enforcement document being contested.

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(c) The Department shall conduct all adjudicatory hearings in accordance with the Administrative Procedure Act, N.J.S.A. 52:1413-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C 1.1.

(d) The violator shall send the request for an adjudicatory hearing to:

1. The Office of Legal Affairs
New Jersey Department of Environmental Protection
PO Box 402
Trenton, New Jersey 08625-0402
Attention: Hearing Request; and
2. New Jersey Department of Environmental Protection
Division of Remediation Support
PO Box 028
Trenton, New Jersey 08625-0028
Attention Hearing Request