



State of New Jersey

CHRIS CHRISTIE
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIESEL RISK REDUCTION PROGRAM
401 EAST STATE STREET
P.O. BOX 418
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BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

cc: Admin DPW

CERTIFIED MAIL/RRR
7005 1160 0004 0983 1108

NOTICE OF VIOLATION



EA ID #: PEA110001 - 470362

Name: MOUNT OLIVE TWP
Location: 204 Flanders Drakestown Rd
Budd Lake, NJ 07828

Identifying #: 470362
Responsible Official: Gregory Weir

On December 13, 2011 a representative from NJDEP conducted a compliance evaluation of your fleet. This NOTICE is issued based on facts observed by or known to the Department's representative issuing this NOTICE, to warn you that violation(s) of the Air Pollution Control Act (N.J.S.A. 26:2C-1 et seq.) and the Air Pollution Control regulations (N.J.A.C. 7:27-1 et seq.) promulgated thereunder has been found.

DESCRIPTION OF VIOLATIONS - Violations with citation(s) to the specific Rules issued under the above Statutes:

- 1. Requirement: Pursuant to N.J.A.C. 7:27-32.20(g), no later than 30 days after the one-time compliance inspection required by N.J.A.C. 7:27-32.21, the owner shall add the information required by (e)7 to the compliance form and submit a copy of the updated form to the Department.

Description of Noncompliance: You failed to submit a signed compliance plan within 30 days of inspection of the retrofit device for the following vehicles:*

Table with 2 columns: VIN#, Vehicle/Equip Designation. Rows include VINs 5KKHAECV16PV38905, 2WLPCD2FX1K971857, 2WLPCD2F41K971854, 5KKHADCVX6PV38904, and 2WLPCD2F61K971547 with corresponding designations SAN46 through SAN50.

Requirement: Pursuant to N.J.A.C. 7:27-32.21(b), for any retrofitted vehicle that is subject to inspection under the periodic inspection program, the owner, after complying with the installation provisions of N.J.A.C. 7:27-32, shall have the regulated vehicle inspected for compliance with this subchapter as soon as practicable after completing and submitting the compliance form pursuant to N.J.A.C. 7:27-32.20, but no later than the next scheduled annual periodic inspection.

Description of Noncompliance: You failed to have the following vehicles inspected for installation of retrofit device within the required timeframe.*

VIN#	Vehicle/Equipment Designation
5KKHAECV16PV38905	SAN46
2WLPCD2FX1K971857	SAN47
2WLPCD2F41K971854	SAN48
5KKHADCVX6PV38904	SAN49
2WLPCD2F61K971547	SAN50

PURPOSE OF THIS NOTICE - This is intended to serve as a **NOTICE** to you, to warn you of the above violations, in order to 1) provide you with an opportunity to voluntarily investigate the matter and, take corrective action to address the identified violation(s) and 2) identify those violations, and time periods, pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where your voluntary action can prevent formal administrative orders and penalties issued by the Department (see violations marked with an asterisk above *). This **NOTICE does not** constitute a formal administrative order, a final agency action or a final legal determination that a violation has occurred. Therefore, this **NOTICE** may not be appealed or contested.

Neither the issuance of this **NOTICE** nor any corrective actions taken by you to address the violation(s) cited, precludes the State of New Jersey or any of its agencies from initiating future enforcement action (including issuance of a formal administrative order and the assessment of penalties) with respect to the violations listed above or for any other violations. In the event the Department determines to pursue future formal enforcement action, you will then be provided with an opportunity to appeal or contest such action.

RESPONDING TO THIS NOTICE – Voluntary corrective actions taken in response to this **NOTICE** can affect the Department’s determination on the need for or severity of any potential future enforcement action in this matter. In accordance with the Grace Period Law, the Department will not assess a penalty against you for the violations marked with an asterisk * above, if you take voluntary action to address and correct these violations at the time of issuance, or within the time periods indicated in this **NOTICE**. For violations identified in this **NOTICE** that **are not** subject to the Grace Period Law, the Department may consider any voluntary actions you take in response to this **NOTICE** as part of its determination 1) on whether to initiate future formal enforcement action for this site/matter and, 2) on the amount of any penalty that may be assessed in future enforcement actions. Please see items checked below regarding actions you may voluntarily undertake to address violations identified in this **NOTICE**:

CORRECTIVE ACTION(S) -The below Corrective Action(s) outline the timeframes pursuant to the Grace Period Law during which you may voluntarily take action to come into

compliance. Depending on the nature of violations cited in this **NOTICE**, corrective action or compliance assistance recommendations for violations that are not subject to the Grace Period Law may also be listed below:

- a. Submit documentation of compliance within 30 days of receipt of this document.

IF YOU HAVE QUESTIONS REGARDING THIS NOTICE, the actions recommended, or if you would like to describe actions taken to address the identified violations, please contact the Department representative at (609) 292-7953.

Issued by: Edward M. Choromanski
Acting Director
Air & Hazardous Materials Enforcement

Date: 1/18/2012

Signature:



Sign Name

Additional Resources:

Diesel Risk Reduction Program <http://www.stopthesoot.org/>

For questions on these topics call the Diesel Retrofit Program: (609) 292-7953