State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
DIVISION OF AIR ENFORCEMENT
BUREAU OF AIR COMPLIANCE & ENFORCEMENT - SOUTHERN
2 Riverside Drive, Suite 201
Camden, New Jersey 08103
Tel. (856) 614-3601 • Fax. (856) 614-3613
www.nj.gov/dep

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

ED POTOSNAK
Commissioner

PAUL BALDAUF
Asst. Commissioner

IN THE MATTER OF DATAONE 3963 SOUTH LINCOLN AVE VINELAND, NJ 08361	: : : : : :	ADMINISTRATIVE ORDER AND NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT

EA ID # PEA260001 - 75894

This Administrative Order and Notice of Civil Administrative Penalty Assessment (hereinafter AONOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection (hereinafter NJDEP or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Division of Air Enforcement, Bureau of Air Compliance & Enforcement - Southern pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. DATAONE owns and/or operates a facility located at 3963 S Lincoln Ave, Vineland City, Cumberland County, New Jersey (ID# 75894).

2. As the result of an investigation(s) conducted on July 29, 2026, the Department has determined that DATAONE failed to comply with applicable requirements as follows:

   a. Requirement: Pursuant to N.J.A.C. 7:27- 8.3(a), no person may construct, reconstruct, install, or modify a significant source that is not covered by a permit and certificate without first obtaining a preconstruction permit.

      Description of Noncompliance: You installed sixty-two, Manufacturer: Caterpillar, Model: G3516H, Fuel: Natural Gas, Rated Power: 1,982 kW, stationary reciprocating engines with a maximum rated power output of 37 kW or greater, used for generating electricity, without first obtaining a preconstruction permit.

   b. Requirement: Pursuant to N.J.A.C. 7:27- 8.3(b), no person shall operate (nor cause to be operated) a significant source without a valid operating certificate.

Description of Noncompliance: You operated sixty-two, Manufacturer: Caterpillar, Model: G3516H, Fuel: Natural Gas, Rated Power: 1,982 kW, stationary reciprocating engines with a maximum rated power output of 37 kW or greater, used for generating electricity, without first obtaining a valid operating certificate.

3. Based on the facts set forth in these FINDINGS, the Department has determined that DATAONE has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27- 8.3(a) AND N.J.A.C. 7:27- 8.3(b).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. DATAONE shall comply with the following:

   Within 45 days of receipt of this document, you must submit the required Permit and Certificate application(s) to the Bureau of Stationary Sources and obtain a Permit(s) and Certificate(s) for the equipment listed in Paragraph 2 above. You must respond to all Department requests for additional information regarding the permit application(s) within 14 calendar days of inquiry unless the parties agree on additional time for the response to be made. If the required Permit and Certificate application(s) is not submitted within 45 days, you must cease installation/operation of such equipment.

5. This Order shall be effective upon receipt by DATAONE or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT AND NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against DATAONE in the amount of $1,072,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment and incorporated herein.

7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.

8. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, DATAONE is entitled to request a hearing. DATAONE shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.

9. If no request for a hearing is received within twenty (20) calendar days from receipt of this AONOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.

10. If a timely request for a hearing is received, payment of the penalty is due when DATAONE receives a notice of the denial of the request, or, if the hearing request is granted, when DATAONE withdraws the request or abandons the hearing, or, if the hearing is conducted, when DATAONE receives a final decision from the Commissioner in this matter.

11. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

12. This AONOCAPA is binding on DATAONE their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.

13. No obligations imposed by this AONOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.

14. This AONOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AONOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.

15. Neither the issuance of this AONOCAPA nor anything contained herein shall relieve DATAONE of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.

16. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to $10,000 for the first offense, $25,000 for the second offense, and $50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.

17. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.

18. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

Richelle B. Wormley

Digitally signed by Richelle B. Wormley
Date: 2026.09.22 09:07:03 -04'00'

DATE:

Richelle Wormley, Director
Division of Air Enforcement

Administrative Hearing Request Checklist and Tracking Form

I. Document Being Appealed**: EA ID #** PEA260001 - 75894

_____
Date Document Issued

II. Person Requesting Hearing (Each Respondent named in the Enforcement Document, who wants to Contest the Enforcement Document must individually file a hearing request):

_____	_____
Name/Company	Name of Attorney (if applicable)
_____	_____
Address	Address
_____	_____
Telephone #	Telephone #

III. Please Include the Following Information As Part of Your Request:

A. The date the alleged violator received the Enforcement Document.
B. A **copy of the Enforcement Document** and a list of all issues being appealed.
C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
D. The defenses to each of the findings of fact in the enforcement document;
E. Information supporting the request;
F. An estimate of the time required for the hearing;
G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

1. New Jersey Department of Environmental Protection
   Office of Administrative Hearings and Dispute Resolution
   ATTENTION: Adjudicatory Hearing Requests
   401 E. State Street
   Mail Code 401-07A; P.O. Box 420
   Trenton, NJ 08625-0420

2. James S. Scarvalli, Manager
   Bureau of Air Compliance & Enforcement - Southern
   2 Riverside Drive, Suite 201
   Camden, NJ 08103

3. All co-permittees (w/attachments)

IV. Signature: _____ Date:_____