

TRADING PARTNER AGREEMENT FOR
THE HEAVY DUTY DIESEL VEHICLE INSPECTION
ELECTRONIC REPORTING PROGRAM
(N.J.A.C. 7:27-14 et seq.)

1. INTRODUCTION

Whereas the State of New Jersey, the Department of Environmental Protection (hereinafter referred to as "Department") and **INSERT FACILITY NAME** hereinafter referred to as the "Facility") desire to participate in a program to facilitate the reporting requirement and exchange of information as required by the Heavy Duty Diesel Vehicle inspection program and the implementing regulation, P.L. 1995-157 et seq. Pursuant to this agreement, electronic file transfer may be used to submit data in agreed formats in substitution for conventional paper-based documents. The Facility understands that all data submissions by to the Department are legally binding documents subject to the provisions of N.J.S.A. 2C:28-2a, 2C:43-3b(2), 2C:43-6a(4), 26:2C-19, and 26:2c-19(b) & (d). This agreement is intended to set forth rights and obligations of the parties if the Facility elects to submit documents via electronic file. This agreement will only pertain to the Heavy Duty Diesel Vehicle Inspection Program reporting process and will only pertain to the Division of Motor Vehicle licensed Diesel Emission Inspection Center (DEIC) pursuant to N.J.A.C. 13:20-26 bearing identification number: **INSERT DEIC NUMBER.**

2. PURPOSE

This agreement is to ensure that the reporting of air emissions data as required by P.L. 1995-157 et seq., via electronic file in lieu of submitting form DEIC-001E, is a legally valid and enforceable mode of transmitting such information and to ensure that the parties are in agreement regarding technical procedures necessary in governing electronic file transmissions. This agreement is not intended to, nor does it, relieve either party of its other statutory responsibilities as they relate to record keeping and reporting requirements under the regulation except as relating to the deadlines for submission pursuant to this agreement. The Department and Facility agree to be legally bound to the terms and conditions contained in this agreement.

3. PROGRAM PARTICIPATION

If the Facility submits this signed agreement to participate in the Heavy Duty Diesel Vehicle Inspection Electronic Reporting Program, submitting data via an electronic file, or other method approved by the Department, the Facility shall begin periodic reporting by the mutually agreed upon date, specified in Section 5 of this agreement, and by the specified intervals thereafter.

4. TERMS AND CONDITIONS

(a) Documents; Standards

- i. Each party may electronically transmit to or receive from the other party HDDV Emission Inspection Reports as described in Appendix A, hereinafter referred to as "Documents". All documents shall be transmitted in accordance with the standards set forth in Appendix A.
- ii. A facility that desires to submit any confidential data to the Department may not submit confidential data electronically via electronic file and must submit the confidential copy in its entirety in paper form. Only the public copy of the subject material may be placed upon file and submitted to the Department.

(b) System Operations

- i. Forms and Instructions - The Facility shall receive from the Department via email the following information: an electronic file containing the data entry system to enter the data for the specified reporting period as set forth in Appendix A and instructions with examples of how to enter the data.
- ii. Data Recording - The Facility shall record emissions and inspection data using this database system or this file structure such that it reflects the appropriate information for the specified reporting period. The Facility may either use the supplied data entry system to change or add data to the database or may use any other method to update the information in those databases. **The Facility shall not alter the structure; file format or layout of the databases, unless specifically instructed by the NJDEP Program Manager.**
- iii. Report Submission - The Facility shall submit to the Department the files containing the databases in accordance with Appendix D. The data bases returned to the Department shall be in an electronic file which is of the same format as the original data format of the Excel2000 files supplied to the Facility by the Department.
- iv. Inability to Report for the Current Period - If a facility determines that for some reason, it cannot submit the file or file for a particular reporting period, and then it must submit its HDDV Emission Inspection Reports using paper forms DEIC-001E to be submitted to the Division of Motor Vehicles auditor. A letter of explanation will be submitted by the Owner of the Facility to the Department no later than seven (7) calendar days after the end of the reporting period.
- v. Virus Checking - The Facility, and the Department, shall check the file (s) for computer viruses and other harmful programs and eliminate any detected viruses or other harmful programs before sending the file (s) back to each other.
- vi. Completeness - The Facility will run a "completeness" check on the specified reporting period data before submitting and or returning a computer file to the Department. Any missing data, forms or information detected by performing the completeness check shall be corrected by the Facility before returning the data file to the Department. The Department may make a finding of incompleteness if data are not provided by the Facility when such data are required by the specified reporting period. A finding of incompleteness may be grounds for removal of the Facility from the electronic reporting program.
- vii. Error Correction, Finding of Incompleteness - Upon receipt of the Facility's HDDV Emissions Inspection Report, the Department will run the data through a screening program. In the event that any missing data, records or information is detected, the original file will be returned to the Facility for correction and re-verification, and a Finding of Incompleteness will be entered in the Facility's record. Corrections must be returned to the Department within fifteen calendar days of receipt by the Facility, and will be accompanied by a completed HDDV Emissions Inspection Report verification form (APPENDIX C).
- viii. Security Procedures - The Facility and the Department shall take all necessary measures to ensure that only authorized persons have access to the computer data file.

(d) Certification

- i. The Facility shall submit a certification form (APPENDIX B – PART1) pursuant to this agreement, with each data file. For the purposes of this agreement, the data contained on the data file shall be considered an "Emission Inspection Report" and a "Document".
- ii. After a facility submits the file containing the reporting period HDDV inspection data to the Department for the Facility listed in the Introduction of this agreement, the Department shall send a confirmation of receipt to the Facility (APPENDIX B - PART2). The Department will certify that it has not made any changes to the data file prior to, or after copying the data.

(e) Verification

- i. After a facility submits the file containing the reporting period HDDV inspection data to the Department for the Facility listed in the Introduction of this agreement, and the Department determines that error correction is required, the Department shall send notice of verification to the Facility (APPENDIX C – PART1), along with the file, a printout of the original data and a error report. The Department will certify that it has not made any changes to the data file prior to, or after copying the data.
- ii. Upon receipt of the above referenced materials the facility shall determine if the printout is identical to the information previously submitted to the Department. If the information contained in the printout is identical to the information submitted to the Department on the data file, the Facility shall make the necessary changes on the printout and return the entire printout to the Department along with the corrected file, and certify the changes to the printout on an HDDV Emission Inspection Report Certification form (APPENDIX C – Part 2) pursuant to this agreement. **PLEASE DO NOT SEND OR SIGN THIS FORM AND RETURN IT AT THE TIME OF RETURNING THIS AGREEMENT.** You will be required to complete and mail this form back to the Department with your corrected report submission.
- iii. If the information contained in the printout is not identical to the information submitted to the Department on the data file, the Facility shall make the necessary changes on the printout and return the entire printout to the Department with a letter stating that the information is not identical. The Facility shall certify the changes to the printout on an HDDV Emission Inspection Report Certification form (APPENDIX C – Part 2) pursuant to this agreement. The letter, the Certification Form, the corrected printout, and data file must be returned to the Department within 15 calendar days of receipt by the Facility of the data file and printout of the reporting period data contained on the data file. **Changes to the data contained on the original data file, as returned to the Facility by the Department, shall not be made through this verification process.**
- iv. The Facility agrees to verify erroneous data returned by the Department by submitting the original data file , the Verification Form (Appendix C), and the printout to the Department within 15 calendar days of its receipt of the items listed in subsection (i) above.
- v. Failure of a facility to verify or correct the data within 15 calendar days of receipt of the data file and printout of the reporting period data from the Department shall result in a finding of incompleteness of the HDDV Emission Inspection Report. Failure of a facility to return an

HDDV Emission Inspection Report to the Department pursuant to this agreement within 15 calendar days of receipt or any applicable extension date shall also result in a finding of incompleteness of the HDDV Emission Inspection Report. The Department may take appropriate action such as exclusion from the electronic reporting program, referral for audit by the Division of Motor Vehicles, or other action deemed appropriate by the Department based on the finding of incompleteness pursuant to this agreement.

(f) Record Maintenance

Each party will keep their own records and archives of Documents sent and received for a period of five years. Either party will retransmit a Document at the other party's request.

5. REPORTING PERIOD

The reporting period stipulated by the Department and agreed to by the Facility is **quarterly**, and HDDV Emissions Inspection reports will be submitted by the **fifth** day of the month, following the end of the calendar quarter specified on the signature page of this document. In the event that the agreed submission day falls on a weekend or holiday, submission will be on the first business day **BEFORE** the weekend or holiday.

6. WITHDRAWAL FROM THE PROGRAM

If a facility determines that it no longer wishes to report electronically, and will withdraw from the Heavy Duty Diesel Vehicle Electronic Inspection Reporting Program, a letter of withdrawal will be submitted by the Owner of the Facility to the Department no later than 14 calendar days prior to the end of the reporting period. In either case, a data certification form (APPENDIX B) is required to certify that the data for that reporting period on the computer file is true, accurate and complete, and must accompany the submittal.

7. CAUSE FOR TERMINATION

Repetitive late report submissions, multiple findings of incompleteness, or any other repetitious reporting irregularity shall be cause for termination of the privilege of participating in the Electronic Reporting Program. This decision will be made at the discretion of the Program Manager.

8. EFFECTIVE DATE

The effective date of this agreement will be the latest of the date(s) shown on the signature page of this document.

9. WHOLE AGREEMENT

This agreement and all appendices constitute the entire agreement between the parties. No changes in terms and conditions of this agreement shall be effective unless approved and signed by both parties. As the parties develop and implement additional Electronic Data Interchange capabilities, addenda may be incorporated into this agreement. Each addendum will be signed and dated by both parties. The latest date contained on the signature page will be the effective date of the addenda. The addenda will be appended to this agreement.

(Signature)

(Print or type name and title)

Representing (Business name)

Date:

Contact information:

Physical street address, city, state, zipcode:

Phone number:

Fax number:

Person responsible for maintaining records and reporting:

Primary e-mail address:

Secondary e-mail address:

(Signature)

Jeff Cantor
Senior Environmental Engineer

(Print or type name and title)
NJ Department of Environmental Protection
Diesel Risk Reduction Program

Representing

Date:

Reporting information:

Quarter first report due:

DEIC county code:

DEIC municipal code: