

ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X01	1-01(E)	Knowingly made a false statement or submitted a false document to DEP	2400	1500	4800	3000	Submit corrected documentation to DEP
X03	1-01(F)	Did not permit DEP inspection of Asbestos project/Abatement Activities	2400	1500	4800	3000	Permit DEP inspection of Asbestos project/Abatement Activities
X02	1-01(G)	Interfered with or obstructed DEP personnel	2400	1500	4800	3000	Cease interference with or obstruction of DEP personnel

ASBESTOS INVESTIGATION CERTIFICATE

X1F	1-16(A)	Conducted building survey and hazard assessment without DEP certification	2400	1500	4800	3000	Cease assessing asbestos hazards until certified by DEP
X1G	1-16(F)	Failed to sign/affix valid investigators seal to plan report as required	1200	1000	2400	1500	Use a valid seal and submit all papers with a valid seal
X1H	1-21(A)	Failed to comply with reporting and filing requirements	2400	1500	4800	3000	File proper notification
X1I	1-21(B)	Failed to calculate project size and scope as required	2400	1500	4800	3000	Calculate project size and scope and classify project as specified

NOTIFICATION

X1J	1-22(B)	Owner failed to determine the amount of ACM to be disturbed by permitted activity	2400	1500	4800	3000	Owner to determine the amount of ACM to be disturbed
X1K	1-22(C)	Failed to file required DEP notification w/Buildings Department application	2400	1500	4800	3000	File required asbestos notification with Buildings Department
X1L	1-22(D)	Failed to notify DEP in writing of changes in project notification	1200	1000	2400	1500	File required changes in DEP Asbestos notification with DEP
X1M	1-23(B)	Failed to file required Not An Asbestos project notice with Buildings Department	1200	1000	2400	1500	Submit required notification to Buildings Department
X1O	1-23(C)	Failed to submit DEP Asbestos inspection report to NYC Department of Buildings	2400	1500	4800	3000	File required Asbestos inspection report

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X1Q	1-23(D)	Failed to notify DEP in writing of any change in project notification	1200	1000	2400	1500	File required amendments to Asbestos inspection report
X1R	1-25(C)	Failed to file Asbestos inspection report 7 days before work starts	2400	1500	4800	3000	Submit required notification to DEP
X1S	1-25(D)	Failed to notify DEP in writing of any change in project notification	1200	1000	2400	1500	Submit required amendments to Asbestos inspection report to DEP
X1T	1-26(B)	Failed to immediately notify DEP of emergency project as required	2400	1500	4800	3000	Submit required notification to DEP
X1U	1-26(C)	Failed to notify DEP in writing of emergency project within 48 hours	2400	1500	4800	3000	File required notification

RECORDKEEPING REQUIREMENTS FOR INVESTIGATOR

X1V	1-27(A)	Failed to maintain permanent records of Asbestos surveys as required	2400	1500	4800	3000	Maintain and have available all Asbestos survey/assessment records
X1W	1-27(B)	Failed to compile complete records of Asbestos survey as required	1200	1000	2400	1500	Compile all records in accordance with all requirements
X1Y	1-27(C)	Failed to properly record work by non-certified individual as required	1200	1000	2400	1500	Indicate in each record work performed by non-certified person
							as specified
X1Z	1-27(D)	Failed to maintain records of Asbestos surveys for 30 years	1200	1000	2400	1500	Maintain Asbestos survey records for 30 years
X1O	1-27(E)	Failed to make Asbestos survey records available for inspection by DEP	2400	1500	4800	3000	Make Asbestos survey records available for inspection by DEP

AIR MONITORING

X12	1-36(A)	Employed unqualified/uncertified Air Monitor	4800	3000	9600	6000	Retain qualified/certified Third Party Air Monitor or Team
X13	1-36(B)	Used Lab without required qualifications to perform bulk sample analysis	2400	1500	4800	3000	Retain accredited qualified laboratory for bulk sample analysis

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X14	1-36(C)	Used Lab without required qualifications to perform Air sample analysis	2400	1500	4800	3000	Retain accredited laboratory for Air sample analysis (PCM)
X15	1-36(D)	Employed unqualified analyst to perform Air sample analysis (TEM)	2200	1500	4800	3000	Have TEM analysis performed by qualified analyst as specified
X16	1-37(A)	Failed to perform bulk sampling as required	1200	1000	2400	1500	Perform bulk sampling procedures as specified
X17	1-37(B)	Failed to utilize area Air sampling equipment for PCM per 60 NIOSH 7400	1200	1000	2400	1500	Utilize required equipment and follow procedures specified
X2A	1-37(C)	Failed to utilize area Air sampling equipment for TEM as required	1200	1000	2400	1500	Utilize required TEM equipment and follow procedures as specified
X2B	1-41(A)	Failed to conduct Air sampling in accordance with required schedule	4800	3000	9600	6000	Use required protocol for Air sampling
X2C	1-41(B)	Failed to conduct Pre-Abatement Air sampling as required	1200	1000	2400	1500	Take required number of Air samples as specified
X2D	1-41(C)	Failed to conduct Air sampling during abatement as required	2400	1500	4800	3000	Take required Air samples as specified
X2E	1-41(D)	Failed to conduct Post-Abatement Air monitoring as required	1200	1000	2400	1500	Take required number of Post-Abatement samples as required
X2F	1-42(A)	Utilized unrepresentative sampling zone for indoor Air samples	1200	1000	2400	1500	Utilize representative sampling zone as specified
X2G	1-42(B)	Failed to locate ambient samplers properly	1200	1000	2400	1500	Place Air samplers in locations as specified
X2H	1-42(C)	Placed Air sampling equipment in corners or near obstructions	1200	1000	2400	1500	Place sampling equipment away from corners and obstructions
X2I	1-42(D)	Failed to have a chain of custody record for air samples	2400	1500	4800	3000	Provide chain of custody record for samples
X2J	1-42(E)	Failed to follow specified area sampling schedule for air monitoring	2400	1500	4800	3000	Conduct Air sampling in accordance with area sampling schedule

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X2K	1-42(F)	Failed to conduct air sampling for glovebag and tent procedures as required	2400	1500	4800	3000	Conduct Air sampling concurrently with glovebag or tent procedures
X2L	1-43(A)	Failed to confirm absence of visible ACM before final air monitoring	2400	1200	4800	2400	Perform clearance monitoring as specified
X2M	1-43(B)	Failed to properly place required number of samples in work area	1200	1000	2400	1500	Utilize required number of properly placed samples for sampling
X2N	1-43(C)	Failed to properly place samples outside work area	1200	1000	2400	1500	Conduct Air sampling as specified at locations outside work area
X2O	1-43(D)	Failed to conduct aggressive sampling according to required procedures	2400	1500	4800	3000	Conduct aggressive Air sampling, as specified
X2P	1-43(E)	Area Air samples did not meet schedule for Post-Abatement monitoring	2400	1500	4800	3000	Perform post-Abatement sampling, as specified on schedule
X2Q	1-43(F)	Failed to reclean and re-sample in areas that failed clearance as required	2400	1500	4800	3000	Reclean and collect new samples until clearance is achieved
X2R	1-43(G)	Failed to meet release criteria for any independent work area	2400	1500	4800	3000	Conduct Air sampling until each area passes clearance criteria
X2S	1-44(A)	Failed to analyze and report PCM area Air samples as required	2400	1500	4800	3000	Analyze and report PCM area Air samples as specified
X2U	1-44(B)	Failed to analyze and report TEM area Air samples as required	2400	1500	4800	3000	Analyze and report TEM area Air samples as specified
X2V	1-44(C)	Failed to analyze and report bulk sample as required	1200	1000	2400	1500	Analyze and report bulk samples as specified
X2W	1-44(D)	Failed to submit bulk/Air sampling results w/in 5 days of DEP request	2400	1500	4800	3000	Submit requested reports as directed
X2X	1-45(A)	Failed to follow proper procedures when action criteria exceeded	4800	3000	9600	6000	Stop work and take required corrective action including clean-up
X2Y	1-45(B)	Failed to meet clearance and/or reoccupancy criteria	2400	1500	4800	3000	Satisfy clearance criteria prior to re-occupancy/demolition

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WORKER PROTECTION REQUIREMENTS							
X2Z	1-51(A)	Employed uncertified workers on an Asbestos project	4800	3000	9600	6000	Employ only DEP certified workers on Asbestos Projects
X21	1-51(B)	Failed to have supervisor present during abatement activities	4800	3000	9600	6000	Stop work until supervisor is present
X22	1-51(C)	Allowed persons inside work place w/out proper protective clothing	4800	3000	9600	6000	Provide proper protective clothing and ensure its use in
							workplace
X23	1-51(D)	Failed to perform personal Air monitoring as per OSHA standards	2400	1500	4800	3000	Perform required personal Air monitoring and/or supply records
							to DEP
X25	1-51(E)	Failed to meet personal hygiene requirements at work site	1200	1000	2400	1500	Ensure compliance with all personal hygiene requirements
X26	1-51(F)	Failed to have required info in clean room	2400	1500	4800	3000	Have all required information available in the clean room
X27	1-51(G)	Failed to post Asbestos warning signs at all approaches to work place	2400	1500	4800	3000	Post required warning signs at all approaches to work place
X28	1-51(H)	Failed to affix required warning labels to all ACM waste containers	2400	1500	4800	3000	Affix required warning labels to all ACM waste containers
MATERIALS AND EQUIPMENT							
X30	1-61(A)	Did not store replacement materials outside work area as required	2400	1500	4800	3000	Store replacement materials outside work area to prevent contamination
X3P	1-61(B)	Used replacement materials which did not comply with NYC Code and regulations	1200	1000	2400	1500	Comply with applicable provisions of NYC Code and regulations
X3Q	1-61(C)	Failed to use plastic of 6-mil thickness or greater for plasticizing	2400	1500	4800	3000	Plasticize using polyethyelene of 6-mil thickness or greater

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X3R	1-61(D)	Used duct tape and/or adhesive incapable of properly sealing plastic	2400	1500	4800	3000	Use duct tape or adhesive which seals plastic sheeting as required
X3S	1-61(E)	Failed to use and/or label 6-mil bags or containers for ACM as required	2400	1500	4800	3000	Use Air and water tight 6-mil container/bags and label as required
X3T	1-61(F)	Failed to enclose ACM in airtight manner with impact resistant material	2400	1500	4800	3000	Enclose ACM in impact resistant material and assemble in air-tight manner
X3V	1-61(G)	Failed to use HEPA filtration as required on hand power tools	1200	1000	2400	1500	Use only HEPA filtered power tools as required
X3W	1-61(H)	Failed to provide ladders/scaffolds and/or seal joints/ends of same	2400	1500	4800	3000	Supply ladders/scaffolds for inspectors; seal scaffold joints
X3Y	1-61(I)	Failed to use UL listed and approved electrical equipment	1200	1000	2400	1500	Use electrical equipment that is underwriters lab listed and
X32	1-61(J)	Failed to obtain DEP approval for substitute equipment/material	1200	1000	2400	1500	Obtain approval from DEP for substitute equipment and material

GENERAL WORK PLACE PREPARATION - LARGE PROJECT

X34	1-81(A)	Failed to post notice of Asbestos project as specified	1200	1000	2400	1500	Provide and post notification of Asbestos project as specified
X35	1-81(B)	Failed to vacate work place prior to and during abatement activities	4800	3000	9600	6000	Vacate occupants from work place until successful final Air clearance
X36	1-81(C)	Failed to provide power from outside the work area thru GFI at source	4800	3000	9600	6000	Provide electricity from outside work area through GFI as required
X39	1-81(D)	Failed to install worker and/or waste decon in required sequence	4800	3000	9600	6000	Install worker/waste decon enclosure system as specified
X4B	1-81(E)	Did not limit disturbance of ACM before erecting partition as required	2400	1500	4800	3000	Remove ACM by tent/wet methods, limit removal to 1 foot wide strips

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X4C	1-81(F)	Failed to lockout/isolate heating/ventilation/Air conditioning system	4800	3000	9600	6000	Lockout/isolate HVAC or obtain DEP approval re positive pressurization
X4D	1-81(G)	Commenced abatement prior to completion of work place preparation	4800	3000	9600	6000	Complete the work place preparation
X4E	1-81(H)	Failed to properly pre-clean and remove moveables and/or cover carpet	1200	1000	2400	1500	Clean and remove moveable objects and/or cover carpet as specified
X4F	1-81(I)	Failed to properly pre-clean and plasticize fixed objects in work area	1200	1000	2400	1500	Clean and plasticize all fixed objects in the work area as specified
X4G	1-81(J)	Failed to properly pre-clean the work area prior to plasticizing	2400	1500	4800	3000	Pre-clean the work area as required
X4H	1-81(K)	Failed to install isolation barriers over all openings to work place	4800	3000	9600	6000	Install isolation barriers forthwith, as required
X4I	1-81(L)	Did not segregate work area from work site with partitions as required	4800	3000	9600	6000	Construct and install partitions to segregate work area as required
X4J	1-81(M)	Failed to properly seal floors and walls with 2 layers of 6-mil plastic	4800	3000	9600	6000	Seal floors/ walls with 2 layers of 6-mil plastic sheeting as required
X4K	1-81(N)	Failed to remove/clean ceiling-mounted objects not previously sealed	1200	1000	2400	1500	Remove and/or clean ceiling mounted objects as specified
X4L	1-81(O)	Removed contaminated ceiling tiles prior to full work area preparation	2400	1500	4800	3000	Remove/dispose of contaminated ceiling tiles and components as required
X4M	1-81(P)	Failed to establish and maintain emergency/fire exits from work area	4800	3000	9600	6000	Establish and maintain emergency fire exits as required
X4N	1-81(Q)	Failed to lock entrances not used for workers or as emergency exits	2400	1500	4800	3000	Lock entrances leading to work place to prevent unauthorized entry
X4O	1-81(R)	Failed to properly seal and/or cover floor drains, pits, sumps, etc.	1200	1000	2400	1500	Seal and cover all floor drains, pits, sumps, etc., as required

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X4P	1-81(S)	Did not maintain, secure, lockout elevators running thru work area	4800	3000	9600	6000	Seal off, lockout, isolate and/or maintain elevators as specified
X4Q	1-81(T)	Failed to provide adequate toilet facilities in vicinity of clean room	1200	1000	2400	1500	Provide or install adequate toilet facilities as specified

WORKER DECONTAMINATION ENCLOSURE - LARGE PROJECT

X4R	1-82(A)	Failed to provide or locate worker decon outside work area as required	4800	3000	9600	6000	Provide worker decontamination system according to specifications
X4S	1-82(B)	Failed to construct worker decon as specified	4800	3000	9600	6000	Construct worker decon system according to specifications
X4T	1-82(C)	Failed to fully line worker decon with 2 layers of opaque 6-mil plastic	2400	1500	4800	3000	Plasticize the worker decon system according to specifications
X4U	1-82(D)	Failed to secure/weatherproof outside or publicly accessible decon	2400	1500	4800	3000	Secure and/or weatherproof worker decon system
X4V	1-82(E)	Failed to provide proper prefabricated or trailer worker decon	1200	1000	2400	1500	Provide functional secure worker decon and/or decontaminate decon system
X4W	1-82(F)	Failed to construct and/or maintain clean room as required	1200	1000	2400	1500	Install, supply, secure and/or maintain clean room with required
X4X	1-82(G)	Failed to install and/or maintain shower room as required	2400	1500	4800	3000	Install/provide shower room according to specifications
X4Z	1-82(H)	Failed to provide shower filtration system as specified	2400	1500	4800	3000	Filter and/or handle and/or dispose of shower water as required
X4O	1-82(I)	Failed to properly use or maintain equipment room	1200	1000	2400	1500	Use and maintain equipment room/maintain supply of ACM bags

WASTE DECONTAMINATION ENCLOSURE SYSTEM - LARGE PROJECT

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X41	1-83(A)	Failed to properly construct waste decon as specified	4800	3000	9600	6000	Construct waste decon washroom and/or holding area to specifications
X42	1-83(B)	Failed to locate/install waste/worker decon where 1 exit exists	2400	1500	4800	3000	Construct and/or use holding area and/or waste washroom as specified
X43	1-83(C)	Failed to construct waste decon in accordance with 1-117A, C,D,E,F,G & H	2400	1500	4800	3000	Construct waste decon enclosure system as specified

ENGINEERING CONTROLS - LARGE PROJECT

X44	1-91(A)	Failed to utilize negative pressure ventilation equipment	4800	3000	9600	6000	Utilize negative pressure ventilation equipment
X45	1-91(B)	Failed to use negative pressure ventilation equipment 24hrs/day	4800	3000	9600	6000	Continuously operate negative pressure ventilation equipment
X46	1-91(C)	Did not maintain static negative Air pressure of 0.02 in. water column	4800	3000	9600	6000	Maintain 0.02 inches water column static negative pressure
X47	1-91(D)	Failed to turn on negative Air units 1 by 1 to check barrier integrity	2400	1500	4800	3000	Turn on negative Air units one by one to check containment integrity
X48	1-91(E)	Failed to use dedicated power supply for negative Air units	2400	1500	4800	3000	Provide and utilize dedicated power supply for negative Air Units
X49	1-91(F)	Failed to follow procedures for loss of power to negative Air units	4800	3000	9600	6000	Stop abatement; perform required procedures for a loss of negative Air
X5A	1-91(G)	Failed to provide one Air change every 15 mins. in work area	2400	1500	4800	3000	Provide 1 Air change every 15 minutes in work area
X5B	1-91(H)	Failed to make openings for negative Air units airtight	1200	1000	2400	1500	Make openings for negative Air units airtight
X5C	1-91(I)	Used negative Air units not in compliance w/ANSI 9.2 standards	4800	3000	9600	6000	Use negative Air equipment that meets ANSI 9.2 (1979) standards

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X5D	1-91(J)	Operated negative Air system contrary to EPA report 560/5-85 (1985)	4800	3000	9600	6000	Operate negative Air system as per EPA report 560/5-85(1985)
X5E	1-91(K)	Failed to exhaust negative Air units to outside as required	2400	1500	4800	3000	Exhaust negative Air pressure ventilation equipment as specified
X5F	1-91(L)	Failed to properly use second negative Air unit in series as required	2400	1500	4800	3000	Vent exhaust of negative Air units to indoor area with sufficient capacity
X5G	1-91(N)	Failed to smoke test/inspect/monitor ducts to ensure no fiber release	1200	1000	2400	1500	Routinely test, monitor and inspect that ducting is properly sealed

WORK PLACE ENTRY AND EXIT PROCEDURES - LARGE PROJECT

x5H	1-92(A)	Failed to ensure proper work place entrance procedures are followed	2400	1500	4800	3000	Ensure that all specified entry procedures are followed
X5I	1-92(B)	Failed to ensure that proper work area exit procedures are followed	4800	3000	9600	6000	Ensure that all requirements for exiting work area are followed

EQUIP/WASTE CONTAINER DECON & REMOVAL PROC. LARGE PROJ.

X5J	1-93(A)	Permitted storage of ACM/carts in clean room when used as holding area	1200	1000	2400	1500	Remove ACM waste and/or carts from the clean room
X5K	1-93(B)	Improperly removed waste while workers used combined decon system	1200	1000	2400	1500	Prevent all ACM waste removal during worker shift changes
X5L	1-93(C)	Improper worker transit during waste transfer in combined decon	1200	1000	2400	1500	Prevent workers transiting shower room during waste or equipment transfer
X5M	1-93(D)	Did not clean ACM container/equipment properly before transfer into decon	1200	1000	2400	1500	Wet clean/HEPA vac containers/equipment before transfer to decon
X5N	1-93(E)	Failed to properly bag/package containerized ACM waste and equipment	1200	1000	2400	1500	Place ACM waste containers/equipment in clean leak tight containers

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X5O	1-93(F)	Improper washroom transit of workers prior to end of waste removal	1200	1000	2400	1500	Prevent worker transit of waste washroom until waste transfer completed
X5P	1-93(G)	Failed to properly remove waste and equipment from airlock to holding area	1200	1000	2400	1500	Have waste/cleaned equipment removed as required
X5Q	1-93(H)	Failed to use/clean waste storage carts as required	1200	1000	2400	1500	Use open top watertight storage carts and clean as required after use
X5R	1-93(I)	Failed to secure exit from waste decontamination system	1200	1000	2400	1500	Secure exit from waste decontamination system
X5S	1-93(J)	Failed to store waste storage carts in worksite holding area	1200	1000	2400	1500	Store carts in worksite holding area

MAINTENANCE OF DECON SYSTEM AND BARRIERS-LARGE PROJECT

X5T	1-94(A)	Failed to inspect plastic barriers and partitions twice per shift	1200	1000	2400	1500	Supervisor must inspect barriers and partitions at least twice per shift
X5U	1-94(B)	Failed to smoke test plastic barriers and decon twice daily	1200	1000	2400	1500	Smoke test barriers and decons at least twice daily as required
X5V	1-94(C)	Failed to immediately repair damage or defects in decon	2400	1500	4800	3000	Repair damages and defects in the decon system immediately
X5W	1-94(D)	Failed to follow proper procedure upon fiber release or barrier damage	4800	3000	9600	6000	Restore integrity of barriers and follow required cleaning procedures
X5X	1-94(E)	Failed to document specified events in daily project log	1200	1000	2400	1500	Supervisor must document specified occurrences in daily project log

ACM ABATEMENT PROCEDURES

X5Y	1-102(A)	Performed dry removal of ACM without EPA and/or DEP approval	4800	3000	9600	6000	Stop abatement forthwith and submit plans for approval as specified
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X5Z	1-102(B)	Failed to sufficiently wet down ACM for enhanced penetration	4800	3000	9600	6000	Sufficiently wet down ACM frequently for enhanced penetration
X5O	1-102(C)	Failed to properly apply removal encapsulant as per federal guidelines	1200	1000	2400	1500	Use removal encapsulants in accordance with Federal guidelines
X51	1-102(D)	Failed to bag ACM directly upon detachment from substrate as specified	2400	1500	4800	3000	Handle detached ACM in a safe manner as specified by the regulations
X52	1-102(E)	Failed to properly wet, wrap and secure large components of ACM	2400	1500	4800	3000	Wet, wrap and seal large components of ACM as specified
X53	1-102(F)	Failed to remove all visible ACM residue from abated surfaces	2400	1200	4800	2400	Properly clean all surfaces which had ACM stripped from them
X54	1-102(G)	Failed to encapsulate abated surfaces with pigmented encapsulant	2400	1200	4800	2400	Encapsulate all areas from which ACM has been removed as specified

ENCAPSULATION PROCEDURES

X55	1-103(A)	Failed to repair damaged insulation w/proper replacement material	1200	1000	2400	1500	Repair existing insulation as specified
X56	1-103(B)	Failed to properly remove loose or hanging ACM before encapsulation	1200	1000	2400	1500	Remove loose or hanging ACM prior to encapsulation as specified
X57	1-103(C)	Failed to use acceptable pigmented encapsulant	1200	1000	2400	1500	Use acceptable pigmented encapsulants as specified
X58	1-103(D)	Used encapsulant solvent or vehicle containing volatile hydrocarbon	1200	1000	2400	1500	Use appropriate encapsulant solvent or vehicle
X59	1-103(E)	Improperly used latex paint as encapsulant	1200	1000	2400	1500	Use latex paint as encapsulant only as permitted
X6A	1-103(F)	Failed to properly field test encapsulant prior to use	1200	1000	2400	1500	Field test encapsulant for suitability as specified before use
X6B	1-103(G)	Failed to apply required thickness of bridging encapsulant over ACM	1200	1000	2400	1500	Apply bridging encapsulant to required thickness

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X6C	1-103(H)	Failed to use a different color for each coat of encapsulant	1200	1000	2400	1500	Use a different color for each coat of encapsulant
X6D	1-103(I)	Failed to properly apply penetrating encapsulant to ACM	1200	1000	2400	1500	Apply penetrating encapsulant as specified
X6E	1-103(J)	Failed to apply encapsulant with airless spray equipment as specified	1200	1000	2400	1500	Apply encapsulants to ACM using airless spray equipment as specified
X6F	1-103(K)	Failed to properly identify encapsulated ACM	2400	1500	4800	3000	Identify encapsulated ACM as specified to warn maintenance personnel

ENCLOSURE PROCEDURE

X6G	1-104(A)	Did not properly remove loose/hanging ACM before installing enclosure	2400	1500	4800	3000	Remove loose/hanging ACM by wet methods before continuing enclosure
X6H	1-104(B)	Failed to properly repair areas damaged during enclosure procedure	1200	1000	2400	1500	Repair damaged areas prior to continuing enclosure installation
X6I	1-104(C)	Failed to properly lower/remove/replace utilities service components	1200	1000	2400	1500	Move or reinstall utilities service components as specified
X6J	1-104(D)	Failed to properly identify enclosed ACM	2400	1500	4800	3000	Identify enclosed ACM as specified to warn maintenance personnel

GLOVEBAG PROCEDURES

X6K	1-105(A)	Failed to properly conduct glovebag procedures	4800	3000	9600	6000	Use glovebag in accordance with specified procedures
X6M	1-105(B)1	Failed to bring tools/materials into work area before glovebag begins	2400	1500	4800	3000	Have all tools/materials in work area prior to glovebag procedures
X6N	1-105(B)2	Failed to conduct Air monitoring during glovebag procedure as required	2400	1500	4800	3000	Conduct Air monitoring as specified for glovebag procedure
X6O	1-105(B)3	Failed to have trained/equipped workers to conduct glovebag procedures	2400	1500	4800	3000	Stop glovebag until trained workers and protective equipment provided

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X6P	1-105(B)4	Failed to use properly sized glovebag for diameter of insulation	2400	1500	4800	3000	Use glovebag of specified dimension
X6Q	1-105(B)5	Failed to wet ACM prior to stripping during glovebag procedure	4800	3000	9600	6000	Wet ACM with amended water as specified
X6R	1-105(B)6	Failed to properly attach glovebag to insulation	4800	3000	9600	6000	Attach glovebag to insulation according to specifications
X6S	1-105(B)7	Failed to smoke test glovebag as required	2400	1500	4800	3000	Smoke test the glovebag seal by specified procedures
X6T	1-105(B)8	Failed to properly seal adjacent insulation during glovebag procedure	2400	1500	4800	3000	Wrap and seal insulation adjacent to glovebag seal
X6U	1-105(B)9	Failed to properly clean/wet surface, tools, etc. before glovebag is moved	2400	1500	4800	3000	Clean surface, etc. perform specified wetting procedures inside glovebag
X6V	1-105(B)10	Failed to properly seal insulation ends	2400	1200	4800	2400	Encapsulate or wet/seal insulation ends as specified
X6O	1-105(B)11	Failed to properly remove tools/tool pouch from glovebag	2400	1500	4800	3000	Seal and separate tools from glovebag by specified procedures
X61	1-105(B)12	Failed to use HEPA vacuum to evacuate glovebag or for clean up	2400	1500	4800	3000	Use HEPA vacuum in preparation for removal of glovebag and/or cleanup
X62	1-105(B)13	Failed to properly collapse or seal glovebag prior to bag removal	2400	1500	4800	3000	Seal section containing ACM before removing glovebag
X63	1-105(B)14	Failed to properly double-bag and detach glovebag	2400	1500	4800	3000	Bag glovebag before detaching it as specified
X64	1-105(B)15	Failed to properly wet/bag, dispose of waste from glovebag procedure	2400	1500	4800	3000	Wet sufficiently, double bag and dispose of ACM waste etc., as specified

Glovebag Procedure:
 The glovebag procedure is a step-by-step process which is numerically outlined in Section 1-105(b). Each numbered subparagraph may stand alone.
 This unique procedure is dependent on the chain of events which are involved. Therefore, in order for this process to be completed correctly each and every subparagraph must be treated individually.

TENT PROCEDURES

*A second offense is a violation within two years, for an infraction within the same category as the prior infraction. (Categories are defined by description subheadings on this schedule, e.g. "Notification".)

ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X65	1-106(A)	Conducted tent procedures on 260 linear ft/160 sq. ft or more of ACM	2400	1500	4800	3000	Use procedures for large projects and remediate disturbed ACM
X66	1-106(B)	Failed to properly install and/or construct tent	2400	1500	4800	3000	Install a plastic tent meeting all specifications
X	1-106(C)	Failed to wear appropriate personal protective equipment during tent procedure	2400	1500	4800	3000	Stop work until workers wear proper personal protection
X67	1-106(D)	Failed to attach tent to surface to produce an airtight seal	2400	1500	4800	3000	Attach tent to produce an airtight seal
X68	1-106(E)	Failed to provide/maintain proper negative Air in tent	1200	1000	2400	1500	Exhaust tent properly provide at least two Air changes per hour
X69	1-106(F)	Failed to use required wet removal methods during tent procedures	2400	1500	4800	3000	Use methods to remove ACM as specified in section 1-137
X7A	1-106(G)	Failed to place ACM removed in tent procedures in leaktight container	2400	1500	4800	3000	Place ACM waste directly into leaktight containers
X7B	1-106(H)	Failed to properly clean/encapsulate enclosed surfaces in tent	2400	1500	4800	3000	Clean and encapsulate surfaces in tent as specified
X7C	1-106(I)	Failed to clean/encapsulate surfaces after tent failure/termination	2400	1500	4800	3000	Clean and encapsulate enclosed surfaces
X7D	1-106(J)	Failed to properly clean/double bag ACM for disposal as specified	2400	1500	4800	3000	Wet clean/HEPA vac and double bag ACM waste for disposal as specified
X7E	1-106(K)	Failed to follow specified procedures for worker exit from tent	2400	1500	4800	3000	Ensure workers perform specified decon exiting procedures
X7F	1-106(L)	Failed to have 6 Air changes after abatement but before tent collapse	2400	1500	4800	3000	Provide the 6 required Air changes before tent collapse
X7G	1-106(M)	Did not collapse tent or dispose of contaminated material as specified	2400	1500	4800	3000	Collapse and bag tent and seal HEPA vacuum as specified

PRELIMINARY CLEANUP PROCEDURES - LARGE PROJECT

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X7H	1-111(A)	Failed to wet/clean up loose visible accumulations of ACM As required	4800	3000	9600	6000	Wet down and/or clean up loose ACM waste as required
X7I	1-111(B)	Failed to properly clean accumulations of dust off all surfaces daily	2400	1500	4800	3000	Wet clean or HEPA vacuum dust on work area surfaces daily
X7J	1-111(C)	Failed to properly clean waste decon on completion of waste removal	2400	1500	4800	3000	Wet clean the waste decon after waste removal as specified
X7K	1-111(D)	Failed to properly clean worker decon when required	2400	1500	4800	3000	Wet clean and/or HEPA vacuum worker decon as specified
X7L	1-111(E)	Failed to stop work and dispose of excess water in work area	1200	1000	2400	1500	Stop work and dispose of excess water in the work area
X7M	1-111(F)	Failed to clean spillage of ACM in elevator shaft as required	4800	3000	9600	6000	Perform elevator shaft cleanup as specified in sub-section 1-4

FINAL CLEAN-UP PROCEDURES

X7O	1-112(A)	Failed to HEPA vacuum all surfaces after removal of all visible ACM	1200	1000	2400	1500	HEPA vacuum all surfaces after all ACM residue is removed
X7P	1-112(B)	Failed to wet clean all surfaces in work area (first cleaning)	2400	1500	4800	3000	Wet clean all surfaces as required
X7Q	1-112(C)	Dismantled isolation barriers/decons before final clean up completed	4800	3000	9600	6000	Wet clean and HEPA vac barriers/areas contaminated by early dismantling
X7R	1-112(D)	Failed to follow required procedures for second cleaning	1200	1000	2400	1500	Vacate for 12 hours and then wet clean/HEPA vac, as specified
X7S	1-112(E)	Failed to follow required procedures for third cleaning	1200	1000	2400	1500	Vacate for 4 hours and then wet clean/HEPA vacuum all work area surfaces
X7T	1-112(F)	Failed to verify absence of ACM prior to clearance Air monitoring	2400	1200	4800	2400	Ensure the absence of Asbestos dust prior to clearance Air monitoring

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X7U	1-112(G)	Failed to remove containerized waste from work area as required	1200	1000	2400	1500	Remove containerized waste from work area thru decons and holding areas
X7V	1-112(H)	Failed to properly decontaminate or dispose of tools, equipment, etc.	1200	1000	2400	1500	Remove and decontaminate tools/equipment' dispose of cleaning aids as ACM
X7W	1-112(I)	Removed isolation barriers before successful clearance Air monitoring	4800	3000	9600	6000	Replace barriers and perform clearance Air monitoring procedures

PRE-DEMOLITION ABATEMENT PROCEDURES

X7X	1-125(A)	Failed to post notice of Asbestos Project as required before abatement	2400	1500	4800	3000	Post required notice of Asbestos Project in English and Spanish
X7Y	1-125(B)	Failed to evacuate all occupants prior to abatement activities	2400	1500	4800	3000	Vacate building of occupants as required
X7Z	1-125(C)	Failed to lock out electrical power and/or provide outside power as required	1200	1000	2400	1500	Provide outside electricity to work area thru ground fault interrupter
X70	1-125(D)	Failed to install worker waste decon in required sequence	2400	1500	4800	3000	Install worker decontamination enclosure system as specified
X71	1-125(E)	Failed to lock out HVAC and/or install isolation barriers at ducts	4800	3000	9600	6000	Lock out HVAC system and install isolation barriers
X72	1-125(F)	Commenced abatement prior to completion of work place preparation	4800	3000	9600	6000	Complete the work place preparation as required
X73	1-125(G)	Used methods that raise dust during work area preparation	2400	1500	4800	3000	Vacuum work place with HEPA-filter equipped vacuum cleaner
X74	1-125(H)	Failed to properly preclean and/or remove movable objects from work area	1200	1000	2400	1500	Pre-clean and remove movable objects from work area as required
X75	1-125(I)	Failed to install required isolation barriers as specified	2400	1500	4800	3000	Install all isolation barriers as specified

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X76	1-125(J)	Failed to properly cover/seal cinderblock/porous construction material	2400	1500	4800	3000	Cover porous material with 6-mil plastic and seal edges and seams
X78	1-125(K)	Failed to make flooring in work area watertight	2400	1500	4800	3000	Make floor of work area watertight
X8A	1-125(L)	Disturbed contaminated ceiling tiles prior to full work area prep	2400	1500	4800	3000	Remove and dispose of ceiling tiles/t-grid as required
X8B	1-125(M)	Failed to establish and maintain emergency/fire exits from work area	2400	1500	4800	3000	Maintain emergency and fire exits as required
X8C	1-125(N)	Failed to lock entrances to work area against unauthorized entry	2400	1500	4800	3000	Lock all work area entrances to prevent unauthorized entry
X8D	1-125(O)	Failed to maintain/secure/lock-out elevators running thru work area	2400	1500	4800	3000	Comply with all elevator requirements specified in sub-sections 1-4
X8E	1-125(P)	Failed to provide adequate external toilet facilities near clean room	1200	1000	2400	1500	Provide adequate external toilet facilities as required

ACM PROCEDURES: ORDER OF WORK

X8F	1-126(A)	Failed to prevent demolition from compromising abatement on lower floors	4800	3000	9600	6000	Cease demolition until all ACM is removed from lower floors
X8G	1-126(B)	Improperly routed demolition debris through removal project work area	1200	1000	2400	1500	Cease routing removal demo debris thru areas being prepared or abated
X8H	1-126(D)	Failed to maintain proper separation between abatement and demolition areas	1200	1000	2400	1500	Establish required separation between abatement and demolition areas
X8I	1-126(E)	Failed to remove ACM from underground floors in proper sequence	1200	1000	2400	1500	Remove ACM from lower floor below street before removal from higher floor
X8J	1-126(F)	Failed to remove ACM from street level floor last	1200	1000	2400	1500	Remove ACM from all other floors before removing from street level floor

LOCKDOWN ENCAPSULATION PROCEDURES

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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X80	1-127(A)	Used unacceptable lockdown encapsulants	1200	1000	2400	1500	Use encapsulants rated acceptable or marginally acceptable
X81	1-127(B)	Used encapsulant solvent or vehicle containing hydrocarbons	1200	1000	2400	1500	Use encapsulant solvent or vehicle with no volatile hydrocarbons
X82	1-127(C)	Used unacceptable latex paint as a lockdown sealant on non-metal	1200	1000	2400	1500	Use specified encapsulant on non-metallic surfaces
X83	1-127(D)	Failed to apply encapsulant with airless spray equipment as specified	1200	1000	2400	1500	Apply encapsulant to abated surfaces using specified procedures

CLEAN-UP PROCEDURES DURING ABATEMENT

X85	1-128(A)	Failed to properly wet/clean up loose visible accumulations of ACM	4800	3000	9600	6000	Wet down and/or clean up loose ACM waste. Use non-metallic equipment
X86	1-128(B)	Failed to properly clean accumulations of dust off all surfaces daily	2400	1500	4800	3000	Wet clean or HEPA vac dust from all work area surfaces daily
X87	1-128(C)	Failed to properly clean waste decon on completion of waste removal	2400	1500	4800	3000	Wet clean the waste decontamination system as specified
X88	1-128(D)	Failed to clean worker decon after shift/meal break as specified	2400	1500	4800	3000	Wet clean/HEPA vac worker decon as specified
X89	1-128(E)	Failed to stop work and dispose of excess water in work area	1200	1000	2400	1500	Stop work and dispose of excess water in the work area
X90	1-128(F)	Failed to clean spillage of ACM waste in elevator shaft as required	2400	1500	4800	3000	Perform elevator shaft cleanup as specified in sub-sections 1-4

CLEAN-UP PREPARATION FOR CLEARANCE AIR MONITORING

X91	1-129(A)	Failed to properly remove/containerize visible accumulations of ACM	4800	3000	9600	6000	Containerize and remove all visible ACM waste as specified
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ASBESTOS PENALTY SCHEDULE - June 1, 2002

ECB Code	15RCNY Section	Description	1st Offense		2nd Offense*		Compliance
			Penalty	Stip.	Penalty	Stip.	
X92	1-129(B)	Failed to remove containerized waste from work area as required	2400	1500	4800	3000	Remove containerized ACM waste via decon enclosure and holding area
X93	1-129(C)	Failed to properly wet-clean/HEPA vac surfaces in work area	2400	1500	4800	3000	Thoroughly clean up using wet methods and HEPA vacuum as specified
X94	1-129(D)	Failed to properly clean and/or encapsulate plastic on porous material	2400	1500	4800	3000	Clean and encapsulate surface barrier plastic sheeting before removal
X95	1-129(E)	Failed to properly encapsulate surfaces in work area	2400	1500	4800	3000	Spray work area surfaces with encapsulant and allow to dry
X96	1-129(F)	Failed to remove and decontaminate all tools and equipment as required	1200	1000	2400	1500	Remove and decontaminate all tools and equipment as specified
X99	1-129(G)	Remove isolation barriers before final Air clearance	4800	3000	9600	6000	Install isolation barriers and obtain successful Air clearance
X		Violation of New York State Industrial Code Rule 56-level 1	4800	3000	9600	6000	
X		Violation of New York State Industrial Code Rule 56-level 2	2400	1500	4800	3000	
X		Violation of New York State Industrial Code Rule 56-level 3	1200	1000	2400	1500	

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