

## ENVIRONMENTAL CONTROL BOARD

Proposed Rule regarding penalties for offenses adjudicated by the Environmental Control Board

Section 1. The Air Asbestos Penalty Schedule found in Section 31-101 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following material after the last entry in the Air Asbestos Penalty Schedule, to read as follows:

New matter is underlined.

	<u>AIR CODE-STOP WORK ORDERS</u>		
<u>24-146.1 (h)</u>	<u>Resumed work in violation of stop work order</u>	<u>4400</u> <u>2750</u>	<u>8800</u> <u>5500</u>

Section 2. In the Air Code Penalty Schedule found in Section 31-102 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York, is amended to define what constitutes a second, third or subsequent offense in connection with charges of 24-163, to read as follows:

New matter is underlined.

Deleted matter is in [brackets].

Except in connection with violations of Section 24-163, a [A] second offense is a violation by the same respondent within two years of the prior violation, at the same premises (if premises-related), and involving the same equipment. The prior violation may have been for any section of the Air Code. In connection with violations of Section 24-163, a second or third or subsequent offense is a violation by the same respondent within two years of the prior violation(s) and involving the same equipment, where the prior violation(s) were for a violation of Section 24-163.

Section 3. The Air Code Penalty Schedule found in Section 31-102 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to change the column headers of that Penalty Schedule, to read as follows:

New matter is underlined.

<b>SECTION</b>	<b>DESCRIPTION</b>	<b>1<sup>st</sup> OFF.</b>	<b>1<sup>st</sup> STIP.</b>	<b><u>2<sup>nd</sup> / 3<sup>d</sup> &amp; SUBSQ. OFF.</u></b>	<b><u>2<sup>nd</sup> / 3<sup>d</sup> &amp; SUBSQ. STIP</u></b>	<b>DEFAULT</b>
----------------	--------------------	----------------------------	-----------------------------	--	--	----------------

Section 4. The Air Code Penalty Schedule found in Section 31-102 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to change the penalties for the charge of 24-163, idling of diesel motor vehicle engine over three minutes, to read as follows:

New matter is underlined.

Deleted matter is in [brackets].

24-163	Idling of Diesel Motor Vehicle engine over three minutes	350	350	<u>2<sup>nd</sup> Off.:</u> 545	<u>2<sup>nd</sup> Off.:</u> 545	[875] <u>1<sup>st</sup> Off:</u>
--------	--	-----	-----	------------------------------------	------------------------------------	-------------------------------------

				<u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>740</u>	<u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>740</u>	<u>1,000</u> <u>2<sup>nd</sup> Off:</u> <u>1,500</u> <u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>2,000</u>
--	--	--	--	---	---	---

Section 5. The Air Code Penalty Schedule found in Section 31-102 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to change the penalties for the charge of 24-163, idling of motor vehicle engine over three minutes (non-diesel fuel), to read as follows:

New matter is underlined.

Deleted matter is in [brackets].

24-163	Idling of Motor Vehicle engine over three minutes (non-diesel fuel)	300	300	<u>2<sup>nd</sup> Off.:</u> <u>460</u> <u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>620</u>	<u>2<sup>nd</sup> Off.:</u> <u>460</u> <u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>620</u>	[875] <u>1<sup>st</sup> Off:</u> <u>1,000</u> <u>2<sup>nd</sup> Off:</u> <u>1,500</u> <u>3<sup>rd</sup> &amp; subsq. Offense:</u> <u>2,000</u>
--------	---	-----	-----	--	--	--

Section 6. The Air Code Penalty Schedule found in Section 31-102 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following material immediately following the entry in that Penalty Schedule for 15 RCNY 12, "Failure to comply with perc drycleaner rule," and immediately before Schedule E - Penalties for Fuel Burning Equipment in that Penalty Schedule, to read as follows:

New matter is underlined.

<u>NYC Admin. Code, Title 24, Ch. 1</u>	<u>Misc. Violation of Air Pollution Control Code</u>	<u>350</u>	<u>350</u>	<u>545</u>	<u>545</u>	<u>875</u>
---	--	------------	------------	------------	------------	------------

Section 7. In the Fire Penalty Schedule found in Section 31-106 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York, the definition of a second violation is amended to read as follows:

New matter is underlined.

A second or subsequent violation is a violation by the same respondent of the same provision of law, rule or regulation as the previous violation and, if the respondent is the owner, agent, lessee, or other

person in control of the premises with respect to which the violation occurred, at the same premises, with a date of occurrence within 18 months of the date of occurrence of the previous violation.

Section 8. The list of section headings of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows

New matter is underlined.

### **Penalties**

- §31-100 General
- §31-101 Air Asbestos Penalty Schedule
- §31-102 Air Code Penalty Schedule
- §31-103 Buildings Penalty Schedule
- §31-104 Community Right-To-Know Law Penalty Schedule
- §31-105 Environmental Conservation Law Penalty Schedule
- §31-106 Fire Penalty Schedule
- §31-107 Food Vendor Administrative Code Penalty Schedule
- §31-108 Fulton Fish Market/Other Public Markets Penalty Schedule
- §31-109 General Vendor Penalty Schedule
- §31-110 Health Code and Miscellaneous Food Vendor Violations Penalty Schedule
- §31-111 Hazardous Materials Penalty Schedule
- §31-112 Health Code Lead Abatement Penalty Schedule
- §31-113 Hudson River Park Rules Penalty Schedule
- §31-114 Landmarks Preservation Penalty Schedule
- §31-115 Noise Code Penalty Schedule
- §31-116 Parks Rules Penalty Schedule
- §31-117 Public Health Law Penalty Schedule
- §31-118 Public Pay Telephones Penalty Schedule
- §31-119 Public Safety Graffiti Penalty Schedule
- §31-120 Recycling – Sanitation Collection Rules Penalty Schedule
- §31-121 Sanitation Asbestos Rules Penalty Schedule
- §31-122 Sanitation Penalty Schedule
- §31-123 Sewer Control Rules Penalty Schedule
- §31-124 Department of Transportation Penalty Schedule
- §31-125 Vehicle and Traffic Law Penalty Schedule
- §31-126 Water Penalty Schedule

Section 9. Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended by adding a new Section 31-107, to read as follows:

New matter is underlined.

#### **§31-107 Food Vendor Administrative Code Penalty Schedule**

##### **FOOD VENDOR ADMINISTRATIVE CODE PENALTY SCHEDULE**

Multiple Offense Schedule (MOS) : 1st Violation \$50 (default \$50); 2nd Violation \$100 (default \$100); 3<sup>rd</sup> Violation \$250 (default \$250); 4th Violation \$500 (default \$1,000); 5<sup>th</sup> Violation \$750 (default \$1,000); 6<sup>th</sup> and subsequent Violation \$1,000 (default \$1,000).

A 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> or subsequent violation is a violation by the same respondent of a section of law listed in this Penalty Schedule that is subject to an “MOS” penalty as indicated in this Penalty Schedule, with a

date of occurrence within 2 years of the date of occurrence of the previous violation(s), and where the previous violation(s) was a violation of any section of law that is subject to an "MOS" penalty as indicated in this Penalty Schedule.

\* Pursuant to §31-81(b), a late admit fee of \$30.00 will be added to the penalty for this charge for a failure to submit a payment by mail, as per §31-32, within 30 days of the mailing date of the default order issued against respondent.

All citations are to the NYC Administrative Code.

<b><u>SECTION/RULE</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>PENALTY</u></b>	<b><u>DEFAULT</u></b>
<u>Admin. Code 17-307(a)</u>	<u>Unlicensed Mobile food vendor</u>	<u>1,000</u>	<u>1,000</u>
<u>Admin. Code 17-307(b)</u>	<u>Unpermitted Mobile Food Unit</u>	<u>1,000</u>	<u>1,000</u>
<u>Admin. Code 17-307(c)*</u>	<u>Lack of permit for commissary or distribution place</u>	<u>200</u>	<u>1,000</u>
<u>Admin. Code 17-307(d)</u>	<u>Vending of unapproved items</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-311</u>	<u>Fail to display license and/or plate</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-312</u>	<u>Fail to notify of change of license information</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-313</u>	<u>Failure in bookkeeping requirements</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-314(a)</u>	<u>Fail to permit regular inspections</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-314(b)</u>	<u>Failure to give supplier/depot/commissary information</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-314(c)</u>	<u>Sale of unauthorized foods without written approval</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-314(d)</u>	<u>Fail to surrender license, permit and plate</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-314.1</u>	<u>Sale, loan, lease or transfer of license, permit or plate</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(a)</u>	<u>Vendor on sidewalk less than 12ft., or not at curb</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(b)</u>	<u>Cart touching or leaning against building</u>	<u>MOS</u>	<u>MOS</u>

<u>Admin. Code 17-315(c)</u>	<u>Items not in or under cart (except waste container)</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(d)</u>	<u>Vending pushcart or stand against display window or 20ft. of entrance</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(e)</u>	<u>In bus stop, or 10ft. of drive, subway, crosswalk, etc.</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(f)</u>	<u>Violation of parking rules and regulations</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(h)</u>	<u>On median strip, not intended for mall or plaza</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(i)</u>	<u>Vending within Parks jurisdiction without Comm. approval</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(j)</u>	<u>Failure to move after notice of exigent circumstances given</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-316</u>	<u>Transfer of food to unlicensed food vendor for resale</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 17-315(k), (l)</u>	<u>Vending at time/place prohitod</u>	<u>MOS</u>	<u>MOS</u>

Section 10. Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended by adding a new Section 31-109, to read as follows:

New matter is underlined.

**§31-109 General Vendor Penalty Schedule**

**GENERAL VENDOR PENALTY SCHEDULE**

Multiple Offense Schedule (MOS) : 1st Violation \$50 (default \$50); 2nd Violation \$100 (default \$100); 3<sup>rd</sup> Violation \$250 (default \$250); 4th Violation \$500 (default \$1,000); 5<sup>th</sup> Violation \$750 (default \$1,000); 6<sup>th</sup> and subsequent Violation \$1,000 (default \$1,000).

A 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> or subsequent violation is a violation by the same respondent of a section of law listed in this Penalty Schedule that is subject to an "MOS" penalty as indicated in this Penalty Schedule, with a date of occurrence within 2 years of the date of occurrence of the previous violation(s), and where the previous violation(s) was a violation of any section of law that is subject to an "MOS" penalty as indicated in this Penalty Schedule.

\* Pursuant to §31-81(b), a late admit fee of \$30.00 will be added to the penalty for this charge for a failure to submit a payment by mail, as per §31-32, within 30 days of the mailing date of the default order issued against respondent.

Unless otherwise indicated, all citations are to the NYC Administrative Code.

<u>SECTION/RULE</u>	<u>DESCRIPTION</u>	<u>PENALTY</u>	<u>DEFAULT</u>
<u>Admin. Code 20-453*</u>	<u>Unlicensed general vendor</u>	<u>250</u>	<u>1,000</u>
<u>Admin. Code 20-461(a)</u>	<u>Failure to carry &amp; exhibit license on demand</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-461(b)</u>	<u>Failure to wear license while vending</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-462</u>	<u>Failure to notify DCA of change of info. on license application</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-463</u>	<u>Failure to keep or produce required written record</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-464(a)</u>	<u>Failure to permit regular inspections</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-464(b)</u>	<u>Failure to provide name/address of supplier or place of storage</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-464(c)</u>	<u>Vending of prohibited merchandise</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-464(d)</u>	<u>Transfer of license without approval of Comm.</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(a)</u>	<u>Vending on sidewalk less than 12ft. wide, or not at curb</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(b)</u>	<u>Using more than 8ft. parallel to curb or 3ft. from curb</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(c)</u>	<u>Stand or goods touching or leaning against building</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(d)</u>	<u>Stand or goods against display window or within 20ft. of entrance</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(e)</u>	<u>Vending in bus stop, taxi stand or within 10ft. of drive/subway/corner</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(f)</u>	<u>Violation of parking rules and regulations</u>	<u>MOS</u>	<u>MOS</u>

<u>Admin. Code 20-465(g)</u>	<u>Vending in prohibited zone</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(i)</u>	<u>Vending on median strip not intended for mall or plaza</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(j)</u>	<u>Vending within Parks jurisdiction without Parks Comm. approval</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(k)</u>	<u>Failure to move after notice of exigent circumstances given</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465.1</u>	<u>Vending at times/places restricted by rule of Vendor Review Panel</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-466</u>	<u>Transfer of goods/vehicle/stand to unlicensed vendor</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(m)</u>	<u>Vending over ventilation grill, cellar door, manhole, transformer vault or subway access grating</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(n)</u>	<u>Display of goods on sidewalk surface, blanket, trash receptacle or board placed on sidewalk surface; display exceeding 5 feet in height from ground level; or less than 24 inches above sidewalk, or less than 12 inches above sidewalk where display is vertical.</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(o)</u>	<u>Vending from a parked motor vehicle</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(p)</u>	<u>Illegal use of electricity, electrical generating equipment, oil or gasoline powered equipment, machinery of any kind</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-465(q)</u>	<u>Vending within 20ft. of sidewalk cafes; within 5ft. of bus shelters, newsstands, public telephones, disabled access ramps; within 10ft. of residential entrance or exit</u>	<u>MOS</u>	<u>MOS</u>
<u>Admin. Code 20-474.1</u>	<u>Unlicensed distribution of goods to a vendor</u>	<u>MOS</u>	<u>MOS</u>

<u>Admin. Code 20-474.2</u>	<u>Distributor's delivery vehicle without the required ID</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-301</u>	<u>Failure to prove payment of taxes when renewing license</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-302(a)</u>	<u>Failure to notify DCA after 4 or more violations</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-302(b)</u>	<u>Failure to answer Notice of Violation/pay penalty within 30 days</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-302(c)</u>	<u>Failure to notify DCA of change of address or telephone number</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-303(a)</u>	<u>Failure to keep daily gross receipts record</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-303(b)</u>	<u>Failure to make records available to DCA</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-302(d)</u>	<u>Failure to notify DCA of supplier's address change</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-304(a)</u>	<u>Vending in road where parking/standing Prohibited</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-304(b)</u>	<u>Failure to comply with parking meter requirement</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-304(c)</u>	<u>Vending near fire hydrant or in safety zone</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-305(a)</u>	<u>Vending at street fair without exemption</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-305(b)</u>	<u>Vending violation at street fair</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-306</u>	<u>Failure to move after notice of exigent circumstances given</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-307(a)</u>	<u>Misrepresentations concerning merchandise (Consumer Prot. Law)</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-307(b)</u>	<u>Failure to display price</u>	<u>MOS</u>	<u>MOS</u>

<u>6 RCNY2-307(c)</u>	<u>Failure to offer receipt for purchase</u>	<u>MOS</u>	<u>MOS</u>
<u>6 RCNY2-307(d)</u>	<u>Failure to retain receipts</u>	<u>MOS</u>	<u>MOS</u>

Section 11. The section heading of the Health Code Penalty Schedule Other Than Food Vendor Penalties, and also the Penalty Schedule caption immediately below that section heading, found in Section 31-110 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

New matter is underlined.

Deleted matter is in [brackets].

**§31-110 Health Code and Miscellaneous Food Vendor Violations Penalty Schedule [other than Food Vendor Penalties]**

**HEALTH CODE AND MISCELLANEOUS FOOD VENDOR VIOLATIONS PENALTY SCHEDULE [OTHER THAN FOOD VENDOR PENALTIES]**

Section 12. The Health Code Penalty Schedule Other Than Food Vendor Penalties, found in Section 31-110 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to read as follows:

New matter is underlined.

<b>SECTION/RULE</b>	<b>DESCRIPTION</b>	<b><u>PENALTY</u></b>	<b><u>DEFAULT</u></b>
<u>NYC Health Code 81.07(a)</u>	<u>Food not free of or protected against contamination</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.09</u>	<u>Potentially hazardous foods at improper temperatures</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.13(a)</u>	<u>Food worker with communicable disease</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.15(a)</u>	<u>Failure to have required Food Protection Certificate</u>	<u>500</u>	<u>1000</u>
<u>NYC Health Code 81.07(l)</u>	<u>Foods prepared or served with bare-hand contact</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.21(a)</u>	<u>Plumbing inadequate</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.37(k)</u>	<u>Garbage and trash improperly stored</u>	<u>200</u>	<u>400</u>

<u>NYC Health Code 81.27</u>	<u>Smoking, use of tobacco, or spitting</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.29(c)</u>	<u>Handwashing facilities not provided</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.37(a)</u>	<u>Cart, utensils, equipment unclean</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 113.03 (c)(2) or 113.07</u>	<u>Vending frozen desserts w/o appropriate permit(s)</u>	<u>1,000</u>	<u>2,000</u>
<u>NYC Health Code 181.17</u>	<u>Smoking in elevator, supermarket or assembly hall</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.07(i)</u>	<u>Food from unapproved source</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.09(i)</u>	<u>Appropriately scaled metal stem thermometer to evaluate food temps., not provided</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.13(b)</u>	<u>Food worker not wearing hair restraint</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.19(b)</u>	<u>Shatter proof or shielded light bulb not provided when required</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.19(c)</u>	<u>Inadequate ventilation</u>	<u>200</u>	<u>400</u>
<u>NYC Health Code 81.23(a)</u>	<u>Vermin, insects or other pests present</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.31</u>	<u>Equipment not clean; improperly maintained</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 81.37(a)</u>	<u>Wiping cloth used on food contact surfaces not stored in sanitizing solution</u>	<u>300</u>	<u>600</u>
<u>NYC Health Code 89.03(a)</u>	<u>Operating a mobile food unit without a permit on private property</u>	<u>1000</u>	<u>2000</u>
<u>NYC Health Code 89.03(b)</u>	<u>Unlicensed Vendors on private property</u>	<u>1,000</u>	<u>2,000</u>
<u>24 RCNY 6-01(l)</u>	<u>Non-processing unit being operated without proper food processing permit</u>	<u>1,000</u>	<u>1,000</u>
<u>NYC Health Code 131.041</u>	<u>Failure to remove locking device from discarded refrigerator</u>	<u>200</u>	<u>400</u>

NYC Health Code 131.11	Waste receptacles	200	400
NYC Health Code 139.05	Littering on public transport facility	200	400
NYC Health Code 139.07(a)	Smoking on public transport facility	200	400
NYC Health Code 151.03(a)	Rat Infestation	200	400
NYC Health Code 153.01	Littering	200	400
NYC Health Code 153.03	Agitation of materials prohibited	200	400
NYC Health Code 153.05	Inadequate precautions, construction/demolition	200	400
NYC Health Code 153.19	Dirty or obstructed sidewalk	200	400
NYC Health Code 153.07	Exposure of dirty rags, barrels, boxes	200	400
NYC Health Code 161.03	Control of Dogs and other animals to prevent nuisance	200	400
NYC Health Code 161.05	Dogs to be restrained	200	400
NYC Health Code 161.04	Dog licenses - no tag on collar in public places	200	400
NYC Health Code 11.66	Owning or harboring a dog or cat which has not been immunized against rabies	500	1,000
NYC Health Code 161.01	Unlawfully keeping/selling/giving a wild animal	500	1,000
NYC Health Code 175.05(a)	Excessive radiation exposure	200	400
NYC Health Code 175.52(a)	Radiation installation without permit	200	400
NYC Health Code 181.03(a)	Spitting	200	400
NYC Health Code Provision Miscellaneous	NYC Health Code Provision - Miscellaneous Excluding NYC Health Code Sections Relating to Violations for Single Room Occupancies or to Lead Abatement.	200	400

Section 13. The Health Code Lead Abatement Penalty Schedule found in Section 31-112 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following material immediately after the caption of that Penalty Schedule and immediately before the definition of second violation in that penalty schedule, to read as follows:

New matter is underlined.

This Health Code Lead Abatement Penalty Schedule is for the purpose of enforcing Notices of Violation returnable to ECB that were issued prior to December 13, 1999, and that cite sections of law set out in the Health Code Lead Abatement Penalty Schedule. Current lead-abatement violations are no longer returnable to ECB.

Section 14. Section 31-123 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York setting forth the Sewer Control Rules Penalty Schedule, is repealed and reenacted to read as follows:

New matter is underlined.

Section 31-123 of Title 15 of the Rules of the City of New York, setting forth the Penalty Schedule for the Sewer Control Rules is repealed and reenacted to read as follows:

**§31-123 Sewer Control Rules Penalty Schedule**

**SEWER CONTROL RULES PENALTY SCHEDULE**

The name “Division of Pollution Control and Monitoring” is abbreviated as “DPCM.”

The term “Not Applicable” is abbreviated as “N/A.”

The term “Notice of Violation” is abbreviated as “NOV.”

Citations preceded by “A.C.” are to the NYC Administrative Code.

Pursuant to §31-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per §31-32, within 30 days of the mailing date of the default order issued against respondent.

For purposes of this Penalty Schedule, the term “serious” in the charge for A.C. Title 24, Ch 5 / 15 RCNY Ch. 19, for “any serious Admin Code Rule violation” is defined as “any violation resulting in injury to human, animal, or aquatic life, harm to public health or the environment, or damage to the publicly owned treatment works or its collection system.”

A second, third and/or subsequent violation shall be based on the following criteria: (1) an offense by the same respondent; (2) the prior NOV(s) is for the same subsection and paragraph of the same regulation as the current NOV; (3) the offense does **not** have to involve the same premises, equipment and/or vehicle; (4) the prior NOV(s) was concluded by a finding of violation or an admission or a default **and** has a date of offense within 1 year of the date of offense of the current NOV; and (5) if NOV(s) with different dates of offense are adjudicated at the same hearing, each NOV shall serve as a prior violation for all subsequently issued NOV's.

The default penalty for all charges in this Penalty Schedule is \$10,000.

Mitigation, if applicable, shall be determined as per notes 1 through 9 below, and as indicated in the mitigation penalty column (“MIT. PENALTY”) of this Penalty Schedule, and also as per “Compliance Incentives Policy Mitigation” set out below.

<u>1</u>	<u>19-03 (a) (9)</u> <u>19-04 (a)-(c)</u>	<u>Mitigation</u>	<u>DPCM has received the results of sampling conducted by the respondent subsequent to the date of offense which are in compliance with applicable limits and deemed acceptable by DPCM. Such results must be received by DPCM within 30 calendar days from the date of service of the NOV. The burden of proving compliance shall be upon the respondent.</u>
<u>2</u>	<u>24-524 (f)</u>	<u>Mitigation</u>	<u>DPCM has received proof deemed acceptable by</u>

		<u>failure to comply</u>	<u>DPCM that the Commissioner of Environmental Protection's order or permit has been fully complied with, within 30 calendar days from the due date for compliance with said order, or report due date.</u>
<u>3</u>	<u>19-03 (a)(4)-(8)</u> <u>19-03 (a)(10)-(11)</u> <u>19-03 (a)(15)</u>	<u>Mitigation</u>	<u>DPCM has received proof deemed acceptable by DPCM that the spill/discharge was accidental, that the respondent has properly reported the spill/discharge to DPCM, has taken adequate measures to minimize the extent of the spill/discharge, and has properly cleaned the spill/discharge.</u>
<u>4</u>	<u>24-524 (f)</u>	<u>Mitigation</u> <u>failure to comply</u>	<u>DPCM has received proof deemed acceptable by DPCM that the Commissioner of Environmental Protection's order or permit has been fully complied with, within 30 calendar days from the due date for compliance with said order, or report due date. Alternatively, a prior NOV exists for the same commissioner of environmental protection's order or permit reporting requirement (i.e. same report was due) and has a date of offense within 1 year of the date of offense of the the current NOV and DPCM has received proof deemed acceptable by DPCM that the commissioner of environmental protection's order or permit has been fully complied with within 30 calendar days from the date of service of the current NOV.</u>
<u>5</u>	<u>19-02 (a), (d)</u> <u>19-05 (e)</u> <u>19-06 (b)</u>	<u>Mitigation</u>	<u>DPCM has received proof deemed acceptable by DPCM that the violation has been corrected within 30 calendar days from the date of service of the NOV.</u>
<u>6</u>	<u>19-03 (a)(12)</u>	<u>Mitigation</u> <u>discharge</u> <u>burdensome</u> <u>to plant</u>	<u>DPCM has received proof deemed acceptable by DPCM that the respondent has immediately ceased the Unauthorized discharge, performed a proper cleanup, if applicable, and taken adequate measures to prevent future unauthorized discharges.</u>

<u>7</u>	<u>24-509 (c)</u>	<u>Mitigation</u> <u>failure to</u> <u>connect</u> <u>to public</u> <u>sewer</u>	<u>Respondent has DEP house connection permit by first</u> <u>scheduled hearing date and connects within three</u> <u>weeks of the first scheduled hearing date.</u>
<u>8</u>	<u>24-509 (c)</u>	<u>Mitigation</u> <u>failure to</u> <u>connect</u> <u>to public</u> <u>sewer</u>	<u>Respondent files plumbing repair application with</u> <u>department of buildings by first scheduled hearing</u> <u>date and completes connection within five weeks of the</u> <u>first scheduled hearing date.</u>
<u>9</u>	<u>24-509 (c)</u>	<u>Mitigation</u> <u>failure to</u> <u>connect</u> <u>to public</u> <u>sewer</u>	<u>Respondent fails to initiate the connection process</u> <u>by first scheduled hearing date but completes</u> <u>connection within seven weeks of the first scheduled</u> <u>hearing date.</u>

### **COMPLIANCE INCENTIVES POLICY MITIGATION**

IF RECOMMENDED BY DPCM, PENALTIES MAY BE ASSESSED UNDER THE TERMS OF THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S POLICY ON INCENTIVES FOR BUSINESSES TO COMPLY WITH REGULATIONS GOVERNING DISCHARGES TO PUBLIC SEWERS, ALSO KNOWN AS THE COMPLIANCE INCENTIVES POLICY (CIP). A COPY OF THE CIP CAN BE OBTAINED FROM THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WASTEWATER TREATMENT, DIVISION OF POLLUTION CONTROL AND MONITORING. THE ACTUAL TEXT OF THE CIP SHALL BE DETERMINATIVE OF THE REQUIREMENTS FOR MITIGATION UNDER THE CIP. SEE BELOW FOR A BRIEF SUMMARY OF THE CIP. SEE ALSO THE CIP PENALTY REDUCTION TABLE, BELOW.

#### **Summary of CIP**

(See actual CIP for further details)

Qualifying violations will be: 1) violations discovered through a voluntary on-site compliance assistance program, as per the terms of the CIP; 2) violations discovered through an environmental self-audit, as per the terms of the CIP; 3) violations discovered through special testing, sampling, or monitoring performed by a business for the purpose of evaluating or upgrading its equipment or processes, as per the terms of the CIP.

The disclosure of the violation must occur within the time frames required by the CIP, and before the violation was otherwise discovered by, or reported to DPCM, and cannot be a result of a legally mandated

monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement.

As described in the CIP, businesses must correct the violations within the shortest practicable period of time, not to exceed 90 days following detection of the violation, unless an additional 90 day period is approved by DPCM, only if necessary to allow the business to correct the violation by implementing pollution prevention measures.

Additional requirements include, but are not limited to (see actual CIP for all requirements, and for further details):

- a) the business immediately corrects threats to the public's health, safety or the environment; and
- b) the business has not intentionally, knowingly, recklessly, or with criminal or gross negligence caused harm to public health, safety or the environment; and
- c) the violation does not involve criminal conduct; and
- d) the violation does not cause the publicly-owned treatment works facility, which treats the related NYC sewer discharge where the violation occurred, to exceed its effluent limitations; and
- e) the business has not received any NOVs, for the same subsection and paragraph of the same regulation as the current NOV, with a date of offense within two years prior to the date of offense of the current NOV, or alternatively, at DPCM's discretion, the business either funds an environmentally beneficial project that contributes to the betterment of the NYC wastewater collection and treatment system (or other related or non-related Department of Environmental Protection concerns), or attends a mandatory user-paid environmental education program.

#### **CIP Penalty Reduction Table**

If Respondent also qualifies for a non-CIP mitigated penalty, the CIP percentage penalty reduction shall be applied to the mitigated penalty amount.

<b><u>Determining Factors For Reduction in Penalty</u></b>	<b><u>Percent Reduction In Penalty</u></b>
<u>All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and no harm to public health, safety or the environment.</u>	<u>100%</u>
<u>All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval). Instead of 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and no harm to public health, safety or the environment.</u>	<u>90%</u>
<u>All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and no harm to public health, safety or the environment.</u>	<u>80%</u>
<u>All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval), instead of 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years but environmentally beneficial project funded or environmental</u>	<u>70%</u>

education program attended, and no harm to public health, safety or the environment,

All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. 60%

All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) instead of 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. 50%

All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and harm to public health, safety, or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. 40%

All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. 30%

<u>REGULATION</u>	<u>DESCRIPTION</u>	<u>FIRST VIOLATION</u>		<u>SECOND VIOLATION</u>		<u>THIRD VIOL.</u>	<u>SUBS VIOL.</u>
		<u>PENALTY</u>	<u>MIT. PENALTY</u>	<u>PENALTY</u>	<u>MIT. PENALTY</u>		
<u>15RCNY 19-02 (a), (d)</u>	<u>Unauthorized connection to public sewer/ Interceptor</u>	<u>300</u>	<u>200<sup>5</sup></u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-02 (b), (c),(e)</u>	<u>Unauthorized discharge to catch basin/storm/ sanitary sewer</u>	<u>250</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-02 (f),</u>	<u>Discharge of Groundwater without permit</u>	<u>250</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-03 (a)(1)</u>	<u>Discharge of obstructive substance or Other Interference</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-03 (a)(2)</u>	<u>Discharge of snow and ice at Unauthorized Location</u>	<u>100</u>	<u>NO</u>	<u>200</u>	<u>NO</u>	<u>500</u>	<u>1000</u>
<u>15RCNY 19-03 (a)(3)</u>	<u>Discharge of steam/waste water over 150° f</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2000</u>
<u>15RCNY 19-03 (a)(4)</u>	<u>Discharge of flammable or explosive Substance</u>	<u>1000</u>	<u>250<sup>3</sup></u>	<u>2000</u>	<u>NO</u>	<u>4000</u>	<u>10,000</u>

<u>15RCNY 19-03</u> <u>(a)(5)</u>	<u>Discharge of</u> <u>oil 0-5 qts from</u> <u>changing oil in</u> <u>privately owned</u> <u>Automobile</u>	<u>500</u>	<u>NO</u>	<u>800</u>	<u>NO</u>	<u>1000</u>	<u>2000</u>
<u>15RCNY 19-03 (a)</u> <u>(5)-(8)</u>	<u>Discharge of oil</u> <u>sludge/non-polar</u> <u>material/</u> <u>coal tar/ paints</u>	<u>1000</u>	<u>500<sup>3</sup></u>	<u>2000</u>	<u>800<sup>3</sup></u>	<u>4000</u> <u>MIT.</u>	<u>7500</u>
<u>15RCNY 19-03</u> <u>(a)(9)</u>	<u>Discharge of</u> <u>wastewater</u> <u>outside of</u> <u>applicable</u> <u>ph limits</u>	<u>400</u>	<u>250<sup>1</sup></u>	<u>800</u>	<u>400<sup>1</sup></u>	<u>1000</u>	<u>2000</u>
<u>15RCNY 19-03 (a)</u> <u>(10)-(11)</u>	<u>Discharge of</u> <u>toxics</u>	<u>1000</u>	<u>250<sup>3</sup></u>	<u>2000</u>	<u>NO</u>	<u>4000</u>	<u>10000</u>
<u>15RCNY 19-03</u> <u>(a)(12)</u>	<u>Discharge of</u> <u>pollutant</u> <u>burdensome to</u> <u>sewage</u> <u>treatment plant</u>	<u>2500</u>	<u>1500<sup>6</sup></u>	<u>5000</u>	<u>NO</u>	<u>7500</u>	<u>10000</u>
<u>15RCNY 19-03</u> <u>(a)(13)-(14)</u>	<u>Discharge of</u> <u>noxious</u> <u>malodorous or</u> <u>discoloring</u> <u>substance</u>	<u>350</u>	<u>NO</u>	<u>800</u>	<u>NO</u>	<u>1000</u>	<u>2000</u>
<u>15RCNY 19-03</u> <u>(a)(15)</u>	<u>Discharge of dry</u> <u>cleaning wastes</u>	<u>1000</u>	<u>250<sup>3</sup></u>	<u>2000</u>	<u>NO</u>	<u>4000</u>	<u>5000</u>
<u>15RCNY 19-03 (b)</u>	<u>Discharge of</u> <u>unshredded</u> <u>garbage</u>	<u>350</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2000</u>	<u>5000</u>

<u>15RCNY 19-03</u> <u>(d)(1)</u>	<u>Failure to</u> <u>Protect against</u> <u>accidental</u> <u>discharge</u>	<u>350</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-03</u> <u>(d)(2)</u>	<u>failure to</u> <u>immediately notify</u> <u>DEP of accidental</u> <u>discharge</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-03</u> <u>(d)(3)</u>	<u>Failure to post</u> <u>accidental</u> <u>discharge</u> <u>procedures</u>	<u>250</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-03</u> <u>(d)(4)</u>	<u>Failure to</u> <u>mitigate discharge</u> <u>and commence</u> <u>clean-up</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-03 (e)</u>	<u>Failure to control</u> <u>sewer odor</u> <u>arising in premise</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-03 (f)</u>	<u>Failure to install</u> <u>or maintain</u> <u>pretreatment</u> <u>equipment</u> <u>(grease)</u>	<u>100</u>	<u>NO</u>	<u>400</u>	<u>NO</u>	<u>800</u>	<u>1500</u>
<u>15RCNY 19-03 (g)</u>	<u>Unlawful</u> <u>discharge of</u> <u>radioactive</u> <u>material</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>NO</u>	<u>7500</u>	<u>10000</u>
<u>15RCNY 19-04 (a)</u>	<u>Discharge of</u> <u>cyanide amenable</u> <u>in excess of local</u> <u>limit,</u> <u>w/exceedance</u> <u>less than</u>	<u>400</u>	<u>250<sup>1</sup></u>	<u>800</u>	<u>400<sup>1</sup></u>	<u>1000</u>	<u>2000</u>

	<u>25x the limit</u>						
<u>15RCNY 19-04 (a)</u>	<u>Discharge of cyanide amenable in excess of local limit, w/exceedance 25x the limit or greater</u>	<u>750</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2000</u>	<u>5000</u>
<u>15RCNY 19-04 (a)-(c)</u>	<u>Discharge in excess of local/categorical limits/limits set by commissioner w/exceedance less than 10x the limit (not applicable to cn amenable under 19-04 (a))</u>	<u>400</u>	<u>250<sup>1</sup></u>	<u>800</u>	<u>400<sup>1</sup></u>	<u>1000</u>	<u>2000</u>
<u>15RCNY 19-04 (a)-(c)</u>	<u>Discharge in excess of local/categorical limits/limits set by commissioner w/exceedance 10x the limit or greater (not applicable to cn amenable under 19-04 (a))</u>	<u>750</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2000</u>	<u>5000</u>
<u>15RCNY 19-04 (d)</u>	<u>Failure to Maintain/properly operate pretreatment equipment (categorical)</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-04 (e)</u>	<u>Unlawful dilution of</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>

	<u>wastewater</u>						
<u>15RCNY 19-05(a)</u> <u>(1)-(2)</u>	<u>Discharge of</u> <u>wastewater w/o</u> <u>permit or</u> <u>equivalent</u> <u>control</u> <u>mechanism</u>	<u>300</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-05 (c)</u>	<u>Refusal to</u> <u>provide</u> <u>information or</u> <u>permit inspection</u> <u>(pretreatment)</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-05 (d)</u>	<u>Failure to install</u> <u>measurement/</u> <u>sampling</u> <u>equipment,</u> <u>as required</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-05 (e)</u>	<u>New connection</u> <u>to public sewer,</u> <u>without permit</u>	<u>500</u>	<u>250<sup>5</sup></u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-06</u> <u>(a)(1)</u>	<u>Discharge of</u> <u>scavenger waste</u> <u>without</u> <u>scavenger waste</u> <u>permit</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>
<u>15RCNY 19-06 (a)</u> <u>(1)-(2)</u>	<u>Discharge of</u> <u>scavenger waste</u> <u>in violation of</u> <u>terms of permit/</u> <u>discharge of</u> <u>scavenger waste</u> <u>from outside NYC</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-06</u> <u>(a)(3)</u>	<u>Discharge of</u> <u>non-sanitary</u> <u>Wastes</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>

<u>15RCNY 19-06</u> <u>(a)(4)</u>	<u>Discharge of scavenger wastes at non-designated Manhole</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-06 (b)</u>	<u>Discharge of Scavenger wastes in unclean manner/failure to produce permit</u>	<u>400</u>	<u>100<sup>5</sup></u>	<u>1000</u>	<u>250<sup>5</sup></u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-06 (d)</u>	<u>Unlawful transport of other wastes in scavenger Truck</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>
<u>15RCNY 19-06 (e)</u>	<u>Impermissible discharge of waste from Grease interceptor, separator, or Trap</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>
<u>15RCNY 19-07 (a),</u> <u>(i)</u>	<u>Failure to prepare/ Implement silver halide bmpp</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>No</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-07 (b),</u> <u>(f)</u>	<u>Failure to install, operate, and maintain proper Pretreatment Equipment</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-07 (c)</u>	<u>Failure to follow off-site recovery req. for silver</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>

	<u>Halide records and measurements, or vendor Certification</u>						
<u>15RCNY 19-07 (d), (h)</u>	<u>Failure to maintain and make available all required records and measurements, or vendor Certification</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-10 (b) (1)-(2)</u>	<u>Unauthorized entry into or damage to sewer system</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>NO</u>	<u>7500</u>	<u>10000</u>
<u>15RCNY 19-10 (c)</u>	<u>Interference with DEP personnel/ Equipment</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>10000</u>
<u>15RCNY 19-10 (d)</u>	<u>Refusal to allow entry/tampering With sampling or testing device</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>10000</u>
<u>15RCNY 19-10 (e)</u>	<u>Failure to Provide Required Information/ refusal to Cooperate</u>	<u>500</u>	<u>NO</u>	<u>1500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>
<u>15RCNY 19-12 (a), (c)</u>	<u>Failure to install/ maintain pretreatment</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>

	<u>equipment (dry Cleaners</u>						
<u>15RCNY 19-12 (b).</u>	<u>Discharge of dry cleaning waste (perc)</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>15RCNY 19-12 (d).</u>	<u>Failure to protect against accidental spill (dry cleaner Waste</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>15RCNY 19-12 (e).</u>	<u>Failure to maintain records (dry cleaners)</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>24-509 (c)</u>	<u>Failure to connect to public sewer w/i 6 months of notification</u>	<u>3000</u>	<u>500<sup>7</sup> 750<sup>8</sup> 1000<sup>9</sup></u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>24-523 (c)(2)</u>	<u>Failure to maintain/submit required record/ Report</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>24-523 (c)(2)</u>	<u>Failure to Maintain monitoring equipment/ Methods</u>	<u>350</u>	<u>NO</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>2500</u>
<u>24-523 (c)(2)</u>	<u>Failure to Provide Required information</u>	<u>500</u>	<u>NO</u>	<u>1500</u>	<u>NO</u>	<u>5000</u>	<u>7500</u>
<u>24-523 (c)(3)</u>	<u>Refusal to allow inspection of monitoring</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>10000</u>

	<u>equipment/method or sampling</u>						
<u>24-523 (c)(4)</u>	<u>Providing false or misleading information</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>10000</u>
<u>24-523 (f)/24-524 (f)</u>	<u>Failure to comply with Comm. request for information/terms of permit other than reporting requirements</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>24-524 (f)</u>	<u>Failure to comply  with Comm.s Order</u>	<u>400</u>	<u>125<sup>2</sup></u>	<u>600</u>	<u>250<sup>4</sup></u>	<u>800 MIT. PENALTY 400<sup>4</sup></u>	<u>1000</u>
<u>24-524 (f)</u>	<u>Failure to comply with terms of permit reporting requirements</u>	<u>250</u>	<u>125<sup>2</sup></u>	<u>500</u>	<u>250<sup>4</sup></u>	<u>800</u>	<u>1000</u>
<u>A.C. Title 24, Ch.5 15 RCNY Ch. 19</u>	<u>Miscellaneous Administrative Code/rule violation</u>	<u>500</u>	<u>NO</u>	<u>1000</u>	<u>NO</u>	<u>2500</u>	<u>5000</u>
<u>A.C. Title 24, Ch.5 15 RCNY Ch. 19</u>	<u>Any serious Administrative Code/rule violation</u>	<u>2500</u>	<u>NO</u>	<u>5000</u>	<u>NO</u>	<u>7500</u>	<u>10000</u>

Section 14. The Buildings Penalty Schedule found in Section 31-103 of Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York is amended to add the following material after the entry in the Buildings Penalty Schedule for section 27-972(h), and before the entries in the Buildings Penalty Schedule for section 27-987, to read as follows:

New matter is underlined.

<u>27-981.2</u>	<u>Failure to provide and install an approved operational carbon monoxide detecting device</u>	<u>No</u>	<u>800</u>	<u>400</u>	<u>2,500</u>	<u>1,500</u>	<u>No</u>	<u>10,000</u>
-----------------	--	-----------	------------	------------	--------------	--------------	-----------	---------------

### Statement of Basis and Purpose of Proposed Rule

The Environmental Control Board is making the following revisions to the ECB Penalty Schedules: (1) After considering the many public comments received in connection with the hearing held on November 18, 2004, the Board is now including within the ECB Penalty Schedules set out in Subchapter G of Chapter 31 of Title 15 of the Rules of the City of New York the penalty schedules relating to general and food vendor violations, by adding a Food Vendor Administrative Code Penalty Schedule; a General Vendor Penalty Schedule; and also adding additional food-vendor related charges to the Health Code penalty schedule, and renaming that penalty schedule the Miscellaneous Food Vendor Violations Penalty Schedule. (2) The Board is repealing the previous Sewer Control Rules Penalty Schedule, and reenacting that Penalty Schedule, as a result of the enactment of an amendment to section 24-524(f) of the NYC Administrative Code, which changes the permissible minimum and maximum civil penalties for sewer code charges, and as a result of the NYC DEP Policy on Incentives for Business to Comply with Regulations Governing Discharges to Public Sewers, which encourages the voluntary disclosure of violations in exchange for a reduction or elimination of the penalty. (3) In the Air Code Penalty Schedule, the Board is revising the penalties for violation of Administrative Code section 24-163 (idling of motor vehicle) and the definition of second and third offense applicable to section 24-163, as a result of the enactment of an amendment to Administrative Code section 24-178(b), which changes the penalty structure for such violations. (4) In the Air Code Penalty Schedule, the Board is adding a penalty for miscellaneous violations of NYC Administrative Code, Title 24, Ch. 1. (5) In the Health Code Lead Abatement Penalty Schedule, the Board is adding an explanatory note clarifying that the Penalty Schedule applies to previously-issued lead-abatement Notices of Violation, citing section 173.14 of the Health Code. (6) In the Air Asbestos Penalty Schedule, the Board is adding a penalty for violation of Administrative Code section 24-146.1(h), pertaining to air asbestos stop-work orders. (7) At the request of the Fire Department, the Board is clarifying the definition of second and subsequent violations in the Fire Penalty Schedule. (8) In the Buildings Penalty Schedule, the Board is adding a penalty for violation of Administrative Code section 27-981.2 (failure to provide and install an approved operational carbon monoxide detecting device) as a result of the enactment of an amendment to the Administrative Code adding sections 27-981.1 through 27-981.3 pertaining to carbon monoxide detecting devices.