

§3-102 Air Code Penalty Schedule

AIR CODE PENALTY SCHEDULE

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

* Civil penalty if facility in compliance and not in default at time of hearing and facility is eligible for registration under 24-109(b) or 24-109(b)(4).

“Offense” is abbreviated “OFF.” “Stipulation” is abbreviated “STIP.” “Default” is abbreviated “DEF.”

Except in connection with violations of Section 24-163, 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.

Schedules E , F and G are set forth as tables at the end of this section.

| SECTION | DESCRIPTION | 1 st | 1 st | 2 ND /3 RD | 2 ND /3 RD | DEFAULT |
|--|---|-----------------|-----------------|----------------------------------|----------------------------------|---------|
| | | OFF. | STIP. | &SUBSQ | &SUB SQ. | |
| 20-910 AE1P | Exterior Door Open While AC or Central Cooling System is in Operation (1st Offense after warning) | 200 No | No | No | No | 200 |
| 20-910 AE1Q | Exterior Door Open While AC or Central Cooling System is in Operation (2nd Offense after warning) | 400 No | No | No | No | 400 |
| 24-108(f) BA01 <u>Compliance</u> Post | Location of key to boiler room not posted or no key on premises | 350 | 350 | 545 | 545 | 875 |
| 24-109(b)(1) BA02 <u>Compliance</u> Register for spraying-Forthwith | Spraying insulation material w/o registration. | 1,040 | 1,040 | 1,615 | 1,615 | 2,600 |
| 24-109(b)(2) BA03 <u>Compliance</u> Register demolition | Building demolition w/o registration | 1,040 | 1,040 | 1,615 | 1,615 | 2,600 |

site-Forthwith

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| 24-109(b)(3) BA04 <u>Compliance</u> Obtain registration- 60 days | Unregistered fuel burning equipment - #4 or #6 oil. | 560 *(300) | 560 | 870 | 870 | 1,400 |
| 24-109(b)(4) BA05 <u>Compliance</u> Obtain registration- 60 days | Unregistered fuel burning equipment -#2 oil or natural gas | 700 *(350) | 700 | 1,085 | 1,085 | 1,750 |
| 24-109(f) BA06 <u>Compliance</u> Obtain renewal of registration- 60 days | Operating emission source with expired registration | 350 | 350 | 545 | 545 | 875 |
| 24-111 BA07 <u>Compliance</u> Cease Interference with adm. personnel- Forthwith | Interference/obstruction of DEP personnel | 700 | 700 | 1,085 | 1,085 | 1,750 |
| 24-112 BA08 <u>Compliance</u> Submit documented Information- Forthwith | Making/filing false or misleading statements/documents | 700 | No | 1,085 | No | 1,750 |
| 24-113(a) BA09 <u>Compliance</u> Post permit, certificate or registration- Forthwith | Permits, certificate, or registration not displayed | 120 | 120 | 185 | 185 | 300 |
| 24-113(c) BA10 <u>Compliance</u> Post notice- Forthwith | No display of notice required for equipment using residual oil | 120 | 120 | 185 | 185 | 300 |

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|---|---|-----------------|-----------------|-----------------|----|-----------------|
| 24-117 BA11 <u>Compliance</u> Obtain incin. Operation certificate or comply with subsection 117&119- 90 days | Unauthorized discontinuance of refuse burning equipment | 350 | 350 | 545 | No | 875 |
| 24-118 BA12 <u>Compliance</u> Remove incinerator- Forthwith | Installation of refuse burning equip. non-municipal, greater than 25sq. ft. | 8,000 | No | 12,400 | No | 20,000 |
| 24-118 BA13 <u>Compliance</u> Remove incinerator- Forthwith | Installation of refuse burning equip. non-municipal, less than 25sq. ft | 2,400 | No | 3,720 | No | 6,000 |
| 24-119(a) BA14 <u>Compliance</u> Install compactor- 90 days | Failure to provide refuse compactor | 1,600 | No | 2,480 | No | 4,000 |
| 24-120 BA15 <u>Compliance</u> File plans and application- 30 days | Equipment installed/alterred w/out work permit | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | No | Sch. E, F, G |
| 24-122(b)(1) BA16 <u>Compliance</u> Obtain Operating certificate- 90 days | Operating fuel burning equipment w/out an operating certificate | Sch. E | Sch. E | Sch. E | No | Sch. E |
| 24-122(b)(2) BA17 <u>Compliance</u> Obtain | Operating manufacturing equipment w/out an operating certificate | Sch. F | Sch. F | Sch. F | No | Sch. F |

Operating
certificate-
90 days

| | | | | | | |
|---|---|--------|--------|--------|----|--------|
| 24-122(b)(3) BA18 <u>Compliance</u> Obtain Operating certificate- 90 days | Operating portable powered equipment w/out an operating certificate | Sch. E | Sch. E | Sch. E | No | Sch. E |
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| 24-122(b)(4) BA19 <u>Compliance</u> Obtain Operating certificate- 90 days | Operating refuse burning equipment w/out an operating certificate | Sch G | Sch. G | Sch. G | No | Sch. G |
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|---|---|-----------------|-----------------|-----------------|----|-----------------|
| 24-122(b)(5) BA20 <u>Compliance</u> Obtain Operating certificate- 90 days | Operating equipment w/out required operating certificate | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | No | Sch. E, F, G |
|---|---|-----------------|-----------------|-----------------|----|-----------------|

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| 24-123(e) BA21 <u>Compliance</u> File for renewal of operating certificate- 30 days | Operating w/out renewal of expired operating certificate | 350 | 350 | 545 | No | 875 |
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|--|--|-----------------------|-----------------|-----------------|-----------------|-----------------|
| 24-141 BA22 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of air contaminant equipment requiring O.C. or registration | Sch E, F, G *(350) | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
|--|--|-----------------------|-----------------|-----------------|-----------------|-----------------|

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| 24-141 BA24 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of air contaminant from unregulated source | 400 | 400 | 620 | 620 | 1,000 |
|--|--|-----|-----|-----|-----|-------|

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|--|--|--------------------------|-----------------|-----------------|-----------------|-----------------|
| 24-142(a) BA25 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of air contaminant (smoke) | Sch E, F, G *(350) | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
| 24-142 BA26 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of air contaminant from unregulated equipment | 350 | 350 | 545 | 545 | 875 |
| 24-143 BA27 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of air contaminant from motor vehicle (Diesel) | 350 | 350 | 545 | 545 | 875 |
| 24-144 BA28 <u>Compliance</u> Reduce sulphur emissions to legal limits- Forthwith | Emission of sulphur compounds | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
| 24-145 BA29 <u>Compliance</u> Reduce particulate matter from becoming airborne- Forthwith | Emission of particulates from refuse or fuel burning equipment | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
| 24-146(a) BA30 <u>Compliance</u> Keep particulate matter from becoming airborne- Forthwith | Particulate matter allowed to become airborne | 700 | 700 | 1,085 | 1,085 | 1,750 |

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|--|--|-------|-------|-------|-------|--------|
| 24-146(b) BA31 <u>Compliance</u> Cease spraying until permit obtained- Forthwith | Asbestos spraying w/out permit | 4,800 | No | 7,440 | No | 12,000 |
| 24-146(c) BA32 <u>Compliance</u> Keep particulate matter from becoming airborne- Forthwith | Particulate emissions from construction activity | 700 | 700 | 1,085 | 1,085 | 1,750 |
| 24-146(d) BA33 <u>Compliance</u> Treat area to prevent particulates from becoming airborne- Forthwith | Particulate emissions from untreated open areas | 560 | 560 | 870 | 870 | 1,400 |
| 24-146(e) BA34 <u>Compliance</u> Take proper precautions for spraying- Forthwith | Spraying of insulation material w/o proper required precaution | 700 | 700 | 870 | 870 | 1,750 |
| 24-146(f) <u>Compliance</u> Take proper precautions for demolition- Forthwith | Failure to take required precautions during demolition | 1,200 | 1,200 | 1,860 | 1,860 | 3,000 |
| 24-147 BA36 <u>Compliance</u> Reduce nitrogen oxides emissions to legal limits- Forthwith | Emission of air contaminant nitrogen oxides from boiler | 1,400 | 1,400 | 2,170 | 2,170 | 3,500 |

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| 24-148 BA37 <u>Compliance</u> Stop sale or use of photo- chemical solvents Forthwith | Sale or use of photo-chemical solvents | 1,050 | 1,050 | 1,630 | 1,630 | 2,625 |
| 24-149 BA38 <u>Compliance</u> Stop use of open fire- Forthwith | Caused or permitted air contaminant from open fire | 350 | 350 | 545 | 545 | 875 |
| 24-150 BA39 <u>Compliance</u> Do not smoke In elevator/ post no smoking sign- Forthwith | Smoking in elevator/failure to post no smoking sign | 200 | 200 | 310 | 310 | 500 |
| 24-151 BA40 <u>Compliance</u> Undo Concealment or masking of air contaminant 30 days | Concealing or masking of air contaminant emission | 1,400 | 1,400 | 2,170 | 2,170 | 3,500 |
| 24-153 BA41 <u>Compliance</u> Reduce air Contaminant level as prescribed by Env. Rating- Forthwith | Air contaminant emission exceeding environmental rating | Sch. E, F, G |
| 24-154 BA42 <u>Compliance</u> File environmental rating report within 30 days- 30 days | Failure to file environmental rating report | 350 | 350 | 545 | 545 | 875 |

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| 24-155 BA43 <u>Compliance</u> Maintain equipment properly- Forthwith | Improper maintenance of equipment requiring O.C. or registration | Sch E, F, G *(350) | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
| 24-155 BA44 <u>Compliance</u> Maintain equipment properly- Forthwith | Failure to maintain unregulated equipment | 350 | 350 | 545 | 545 | 875 |
| 24-156 BA45 <u>Compliance</u> Utilize apparatus while operating equipment- Forthwith | Use of equipment w/out required apparatus | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G | Sch. E, F, G |
| 24-159 BA46 <u>Compliance</u> Operate equipment with qualified personnel- Forthwith | Use of burning equipment by person w/out a certificate of fitness | 350 | 350 | 545 | 545 | 875 |
| 24-160 BA47 <u>Compliance</u> Install & Use air contaminant recorder- Forthwith | No air contaminant recorder for boiler | Sch E | Sch E | Sch E | Sch E | Sch E |
| 24-161 BA48 <u>Compliance</u> Obtain a certificate of instruction- 180 days | Operating fuel burning equipment w/out certificate of instruction | 350 | 350 | 545 | 545 | 875 |
| 24-162(a) BA49 <u>Compliance</u> | Operating Refuse burning equipment at unauthorized times | Sch G | Sch G | Sch G | Sch G | Sch G |

Operate
Incinerator
during
authorized
times-
Forthwith

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|---|---|-------|-------|-------|-------|-------|
| 24-162(c) BA50 <u>Compliance</u> Do not use discontinued incinerator- Forthwith | Operation of discontinued refuse burning equipment | Sch G |
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| 24-163 1 st off BA51, AE51 2 nd off BA1E, AE1E 3 rd off AE1f BA1F <u>Compliance</u> Do not idle motor vehicle more than 3 minutes- Forthwith | Idling of Diesel Motor Vehicle engine over three minutes | 350 | 350 | 2 nd Off.: 545 3 rd & subsq. Offense: 740 | 2 nd Off.: 545 3 rd & subsq. Offens: 740 | 1 st Off: 1,000 2 nd Off: 1,500 3 rd & subsq. Offense: 2,000 |
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| 24-163(f) BA1I, AE1I (1 st off) BA1J, AD1J (2 nd off) BA1K, AE1K (3 rd and sub.off) 24-164 BA52 <u>Compliance</u> Do not use Soot blowers In NYC waters- Forthwith | Idling of Motor Vehicle engine over one minute while adjacent to school (Diesel) | 350 | 350 | 2 nd Off.: 545 3 rd & subsq. Offense: 740 | 2 nd Off.: 545 3 rd & subsq. Offens: 740 | 1 st Off: 1,000 2 nd Off: 1,500 3 rd & subsq. Offense: 2,000 1,750 |
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| 24-165 BA53 <u>Compliance</u> Use air contaminant | Failure to use air contaminant detector/recording as required | Sch. E, F, G |
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| detector- Forthwith | | | | | | |
| 24-166 BA54 <u>Compliance</u> Use properly functioning shut-off device- Forthwith | Use of inadequate combustion shut-off device | 350 | 350 | 545 | 545 | 875 |
| 24-167 BA55 <u>Compliance</u> Use equipment in accordance with code- Forthwith | Improper use of equipment or apparatus | 350 | 350 | 545 | 545 | 875 |
| 24-168 BA56 <u>Compliance</u> Use fuel specified for equipment- Forthwith | Use of improper fuel in fuel burning equipment | Sch. E, F, G |
| 24-169 BA57 <u>Compliance</u> Purchase and use fuel with proper sulphur content- Forthwith | Use/purchase, for regulated equipment, of fuel with excess sulphur | Sch. E, F, G |
| 24-169 BA58 <u>Compliance</u> Purchase and use fuel with proper sulphur content- Forthwith | Use/purchase, for unregulated equipment of fuel with excess sulphur | 350 | 350 | 545 | 545 | 875 |
| 24-169 BA59 <u>Compliance</u> Comply with code- Forthwith | Sale, offer, storage or transport of fuel with excess sulphur content | 2,400 | 2,400 | 3,720 | 3,720 | 6,000 |

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| 24-173 BA60 <u>Compliance</u> Cease use of high sulphur fuel- Forthwith | Improper use of solid fuel in fuel burning equipment | Sch E |
| 24-174(a) BA61 <u>Compliance</u> Cease handling of gasoline with high lead content- Forthwith | Sale, offer, transport or storage of gasoline with excessive lead content | 1,060 | 1,060 | 1,645 | 1,645 | 2,650 |
| 24-174(b) BA62 <u>Compliance</u> Cease purchase or use of gasoline with high lead content- Forthwith | Use or purchase of gasoline with excessive lead content | 350 | 350 | 545 | 545 | 875 |
| 24-175(a) BA63 <u>Compliance</u> Cease Handling of gasoline exceeding legal volatility- Forthwith | Sale, offer, store, transport or storage of gasoline exceeding volatility limits | 1,060 | 1,060 | 1,645 | 1,645 | 2,650 |
| 24-175 BA64 <u>Compliance</u> Cease purchase or use of gasoline with high volatility- Forthwith | Use or purchase of gasoline exceeding volatility limits | 350 | 350 | 545 | 545 | 875 |
| 24-176 BA65 <u>Compliance</u> File fuel trip tickets- Forthwith | Failure to report shipment of fuel to NYC as required | 350 | 350 | 545 | 545 | 875 |

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| 24-178(b)(8) BA66 <u>Compliance</u> Cease tampering with seal-Forthwith | Breaking a Board ordered seal | 1,600 | 1,600 | 2,480 | No | 4,000 |
| 24-122(a) BA67 <u>Compliance</u> Obtain an operating certificate-90 days | Use or operation of equipment w/out an operating certificate | Sch. E, F, G |
| 24-131 BA80 <u>Compliance</u> Comply with terms on permit or certificate-Forthwith | Failure to comply with conditions of certificate or permit | 350 | 350 | 545 | 545 | 875 |
| 24-170 BA81 <u>Compliance</u> Supply fuel Info to Commissioner-Forthwith | Failure to supply fuel supply information to the Commissioner | 350 | 350 | 545 | 545 | 875 |
| 24-172 BA82 <u>Compliance</u> Cease us of high volatile matter fuel-Forthwith | Excess volatile matter (by weight) in boiler fuel | 350 | 350 | 545 | 545 | 875 |
| 24-177(a) BA83 <u>Compliance</u> Supply required info on fuel tickets-Forthwith | Fail to have required statement on fuel information ticket | 350 | 350 | 545 | 545 | 875 |
| 24-177(b) BA84 <u>Compliance</u> Retain fuel Info tickets- | Failure to retain fuel information tickets by shipper | 350 | 350 | 545 | 545 | 875 |

Forthwith

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| 24-177(c) BA85 <u>Compliance</u> Retain fuel info tickets for one year- Forthwith | Failure to retain fuel records for one year | 350 | 350 | 545 | 545 | 875 |
| 24-131(c) BA86 <u>Compliance</u> Comply with Conditions of Certificate/Re gulation of operation or Permit- Forthwith | Failure to comply with Conditions of Certificate/Regulation of operation or Permit | 265 | 265 | 400 | 400 | 875 |
| 24-143 BA87, AE87 <u>Compliance</u> Operate without further emissions- Forthwith | Emission of Air contaminant from vehicle (non-diesel fuel) | 300 | 300 | 460 | 460 | 875 |
| 24-163 1 st off AE88 BA88 2 nd off AE1G BA1G 3 rd off AE1H BA1H <u>Compliance</u> Do not idle motor vehicle more than 3 minutes- Forthwith | Idling of Motor Vehicle engine over three minutes (non- diesel fuel) | 300 | 300 | 2 nd Off.: 460 3 rd & subsq. Offense: 620 | 2 nd Off.: 460 3 rd & subsq. Offens: 620 | 1 st Off: 1,000 2 nd Off: 1,500 3 rd & subsq. Offense: 2,000 |
| 24-163(f) BA1L, AEIL (1 st Off) BA1M, AE1M (2 nd off) BA1N, AE1N (3 rd and sub off) | Idling of Motor Vehicle engine over one minute while adjacent to school (Non- diesel) | 300 | 300 | 2 nd Off.: 460 3 rd & subsq. Offense: 620 | 2 nd Off.: 460 3 rd & subsq. Offens: 620 | 1 st Off: 1,000 2 nd Off: 1,500 3 rd & subsq. Offense: 2,000 |

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|--|--|--|--------|--|---|--|
| 24-163.3(b)(1) BA92 <u>Compliance</u> Do not idle motor vehicle more than 3 minutes- Forthwith | Failed to use ultra low sulfur diesel fuel in nonroad vehicle | 1,000 | 1,000 | 5,000 | 5,000 | 10,000 |
| 24-163.3(b)(1) BA93 <u>Compliance</u> Use low sulfur fuel in nonroad vehicle forthwith | Failed to use ultra low sulfur diesel fuel in nonroad vehicle (aggravated penalty for excess profit) | 1,000 (plus agg. pen for excess profit) | No | 5,000(Plus agg. pen for excess profit) | No | 10,000 |
| 24-163.3(b)(2) BA94 <u>Compliance</u> Use best available technology forthwith | Failed to use best available technology for emission reduction in nonroad vehicle | 1,000 | 1,000 | 5,000 | 5,000 | 10,000 |
| 24-163.3(b)(2) BA95 <u>Compliance</u> Use best available technology forthwith | Failed to use best available technology for emission reduction in nonroad vehicle (aggravated penalty for excess profit) | 1,000 (plus agg. pen for excess profit) | No | 5,000 (plus agg. pen for excess profit) | No | 10,000 |
| 24-163.3(o) BA96 | Made false claim regarding compliance with emission reduction requirements for diesel non-road vehicles | 20,000 | 20,000 | 20,000 | 20,000 | 20,000 |
| 24-163.3(o) BA97 | Made false claim regarding compliance with emission reduction requirements for diesel non-road vehicles (aggravated penalty for excess profit) | 20,000 (plus agg. pen for excess profit) | No | 20,000 (plus agg. pen for excess profit) | No | 25,000 |
| 24-163.8(b)(1) BA1O (1 st off) BA1P (2 nd Off) | Failed to use ultra low sulfur diesel fuel in generator for Film/TV/Ad/Street Fair | 500 | 500 | 2 nd Off.: 500 3 rd & subsq. Offense: | 2 nd Off.: 500 3 rd & subsq. | 1 st Off: 500 2 nd Off: 500 |

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| BA1Q (3 rd Off) | | 500 | | | Offens: 500 | 3 rd & subsq. Offense: 500 |
| 24-163.8(c) BA1R (1 st Off) BA1S (2 nd Off) | Made false claim regarding use of ultra low sulfur diesel fuel in generator | 500 | No | 2 nd Off.: 500 | 2 nd Off.: No | 1 st Off: 500 2 nd Off: 500 |

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| 24-117(j) BA90 <u>Compliance</u> cease operation of refuse burning equipment- Forthwith | Failure to cease operation of refuse burning equipment | 875 | No | 875 | No | 875 |
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| 24-125(c) BA91 <u>Compliance</u> Comply with appropriate criteria referred to in this section- Forthwith | Failure to comply with appropriate criteria referred to in this section | 350 | No | 545 | No | 875 |
|--|---|-----|----|-----|----|-----|

VAPOR RECOVERY REGULATIONS

| | | | | | | |
|--|---|-----|-----|-----|-----|-----|
| 15 RCNY 4-03(a)(1) BA68 <u>Compliance</u> Install stage 1 vapor collection system- Forthwith | No Stage 1 Vapor Collection System at Gas dispensing site | 350 | 350 | 545 | 545 | 875 |
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| 15 RCNY 4-03(a)(2)(3) BA69 <u>Compliance</u> Properly maintain stage 1 vapor collection/control system at site- | Fail to maintain Stage 1 Vapor Collection and control system | 350 | 350 | 545 | 545 | 875 |
|--|--|-----|-----|-----|-----|-----|

Forthwith

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|--|---|-----|-----|-----|-----|-----|
| 15 RCNY 4-03(a)(2)(IV) BA70 <u>Compliance</u> Connect and operate vapor collection system while loading/unloading at site- Forthwith | Fail to connect and operate vapor collection system loading and unloading at site | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-03(a)(3) BA71 <u>Compliance</u> Install stage 1 vapor recovery system at gas dispensing site- Forthwith | No Stage 1 Vapor Recovery System Capacity at least 250 gallons | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-03(b) BA72 <u>Compliance</u> Obtain certificate of registration for gas dispensing site- Forthwith | No certificate of registration for gasoline dispensing site | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-04(a)(3) BA73 <u>Compliance</u> Post N.Y.S. DEC marking indicating last date pressure/vacuum test- Forthwith | No NYSDEC date for pressure test on gasoline transporting vehicle | 350 | 350 | 545 | 545 | 875 |

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| 15 RCNY 4-04(c) BA74 <u>Compliance</u> Keep dome covert closed while transport vehicle loading/unloading motion-Forthwith | Fail to keep dome covers closed on gas transport vehicle | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-04(d)(1) BA75 <u>Compliance</u> Install stage 1 Vapor collection and control system on gas transport-Forthwith | No Stage 1 Vapor collect/control system on gasoline transport vehicle | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-04(d)(2) BA76 <u>Compliance</u> Provide training for operator of gas transport vehicle-Forthwith | Fail to provide adequate training for operator of gasoline transport vehicle | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-04(d)(3) BA77 <u>Compliance</u> Properly maintain stage 1 vapor collection and control system on gas transport vehicle-Forthwith | Failure to maintain Stage 1 vapor collection/control system on gas transport vehicle | 350 | 350 | 545 | 545 | 875 |
| 15 RCNY 4-04(d)(4) BA78 <u>Compliance</u> Connect and operate vapor | Failure to connect/operate vapor collection/control system on gas transport vehicle | 350 | 350 | 545 | 545 | 875 |

collection/control system on gas transport vehicle-Forthwith

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| 15 RCNY 4-05 BA79 <u>Compliance</u> Control visible leaks from vapor collection and control system loading/unloading vehicle Forthwith | Failure to control visible leaks from vehicle vapor collection/control system | 350 | 350 | 545 | 545 | 875 |
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PERCHLOROETHYLENE DRY CLEANING FACILITIES

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|---------------------------|---|-----|----|-----|----|-----|
| 15 RCNY 12-04 (a) BA2D | Installation of perc dry cleaning machine in residential building after 7/13/06 | 750 | No | 875 | No | 875 |
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| 15 RCNY 12-04(b) BA3D | Failure to eliminate perc use in specified machines by 7/13/09 | 750 | No | 875 | No | 875 |
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| 15 RCNY 12-05 (a) BA1A <u>Compliance</u> Install vapor barrier or room enclosure and general exhaust ventilation-30 days | Failure to install vapor barrier or room enclosure and general exhaust ventilation | 750 | No | No | 875 | 875 |
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|--|--|-----|-----|-----|----|-----|
| 15 RCNY 12-06 (a) BA2A <u>Compliance</u> Install proper | Improper vapor barrier or room enclosure and general exhaust ventilation | 750 | 750 | 875 | No | 875 |
|--|--|-----|-----|-----|----|-----|

vapor barrier
or room
enclosure and
general
exhaust
ventilation-
30 days

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| 15 RCNY 12-06 (a)(4)(i) BA3A <u>Compliance</u> Relocate process ventilation point- 30 days | Improper process emission point location | 750 | No | 875 | No | 875 |
| 15 RCNY 12-06 (a) (4) (iii) BA4A <u>Compliance</u> Retrofit to meet 20ppm standard- 30 days | Process emissions greater than 20 ppm | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-06 (a) (4) (iv) BA5A <u>Compliance</u> Close or repair exhaust damper- Forthwith | Failure to properly operate exhaust damper | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-06 (a) (5), (6) BA6A <u>Compliance</u> Install proper emission controls- 30 days | Failure to have proper emission control systems | 750 | No | 875 | No | 875 |
| 15 RCNY 12-06 (b) BA7A <u>Compliance</u> Remove equipment- Forthwith | Failure to remove equipment from service | 750 | No | 875 | No | 875 |
| 15 RCNY 12-06 (b) BA8A | Failure to properly replace, retrofit, or convert equipment | 750 | No | 875 | No | 875 |

Compliance

Replace,
retrofit, or
convert
equipment-
30 days

| | | | | | | |
|---------------------------|---------------------------------------|-----|----|-----|----|-----|
| 15 RCNY 12-06 (b) BA9A | Fugitive emission greater than 50 ppm | 750 | No | 875 | No | 875 |
|---------------------------|---------------------------------------|-----|----|-----|----|-----|

Compliance

Control
fugitive
emissions-
30 days

| | | | | | | |
|--------------------------------|------------------------------------|-----|-----|-----|----|-----|
| 15 RCNY 12-07 (a), (b) BA1B | Failure to inspect or self-monitor | 750 | 750 | 875 | No | 875 |
|--------------------------------|------------------------------------|-----|-----|-----|----|-----|

Compliance

Start
inspection or
self
monitoring-
Forthwith

| | | | | | | |
|---------------------------|-------------------------------------|-----|-----|-----|----|-----|
| 15 RCNY 12-07 (g) BA2B | Failure to repair leak w/in 24 hrs. | 750 | 750 | 875 | No | 875 |
|---------------------------|-------------------------------------|-----|-----|-----|----|-----|

Compliance

Repair leak-
Forthwith

| | | | | | | |
|-----------------------|---|-----|-----|-----|----|-----|
| 15 RCNY 12-08 BA3B | Failure to comply with O&M requirements | 750 | 750 | 875 | No | 875 |
|-----------------------|---|-----|-----|-----|----|-----|

Compliance

Comply with
O&M
requirements-
Forthwith

| | | | | | | |
|-------------------------------|--|-----|-----|-----|----|-----|
| 15 RCNY 12-08 (d) (7) BA4B | Failure to have proper spill control equipment | 750 | 750 | 875 | No | 875 |
|-------------------------------|--|-----|-----|-----|----|-----|

Compliance

Install spill
control
equipment-
30 days

| | | | | | | |
|-------------------------------|---|-----|-----|-----|----|-----|
| 15 RCNY 12-08 (d) (8) BA5B | Failure to keep solvent containers closed | 750 | 750 | 875 | No | 875 |
|-------------------------------|---|-----|-----|-----|----|-----|

Compliance
Close solvent
containers-
Forthwith

| | | | | | | |
|--|--|-----|-----|-----|----|-----|
| 15 RCNY 12-10 BA6B <u>Compliance</u> Manage hazardous waste- Forthwith | Failure to properly manage hazardous waste | 750 | 750 | 875 | No | 875 |
|--|--|-----|-----|-----|----|-----|

| | | | | | | |
|---|------------------------------|-----|-----|-----|----|-----|
| 15 RCNY 12-11 (a) BA7B <u>Compliance</u> Seal floor drains- 30 days | Failure to seal floor drains | 750 | 750 | 875 | No | 875 |
|---|------------------------------|-----|-----|-----|----|-----|

| | | | | | | |
|---|--|-----|-----|-----|----|-----|
| 15 RCNY 12-11 (b) BA8B <u>Compliance</u> Install proper spill containment system- 30 days | Failure to install proper spill containment system | 750 | 750 | 875 | No | 875 |
|---|--|-----|-----|-----|----|-----|

| | | | | | | |
|----------------------------|--|-----|-----|-----|----|-----|
| 15 RCNY 12-11 (c) BA9B | Failure to report release, fire or explosion | 750 | 750 | 875 | No | 875 |
|----------------------------|--|-----|-----|-----|----|-----|

| | | | | | | |
|---------------------------|--|-----|-----|-----|----|-----|
| 15 RCNY 12-11 (d) BA1C | Failure to record emergency response actions | 400 | 400 | 500 | No | 875 |
|---------------------------|--|-----|-----|-----|----|-----|

| | | | | | | |
|---|------------------------------------|-----|-----|-----|----|-----|
| 15 RCNY 12-12 BA2C <u>Compliance</u> Commence maintaining proper records- Forthwith | Failure to maintain proper records | 400 | 400 | 500 | No | 875 |
|---|------------------------------------|-----|-----|-----|----|-----|

| | | | | | | |
|--|---------------------------------------|-----|-----|-----|----|-----|
| 15 RCNY 12-13 BA3C <u>Compliance</u> | Installation of uncertified equipment | 750 | 750 | 875 | No | 875 |
|--|---------------------------------------|-----|-----|-----|----|-----|

Remove
uncertified
equipment-
Forthwith

| | | | | | | |
|--|--|-----|-----|-----|----|-----|
| 15 RCNY 12-14 (a) (1) BA4C <u>Compliance</u> Register for certification course within-60 days | Failure to have owner or manager certification | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-14 (a) (2) BA5C <u>Compliance</u> Register for certification course within-60 days | Failure to have operator certification | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-14 (e) BA4D | Failure to attend required DEC training and hold valid DEC certificate | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-15 (a) BA6C <u>Compliance</u> Submit notices within-14 days | Failure to submit notice of alteration or modifications | 400 | 400 | 500 | No | 875 |
| 15 RCNY 12-15 (b) BA7C <u>Compliance</u> File for work permit or operating certificate within-14 days | Failure to have work permit or operating certificate | 750 | 750 | 875 | No | 875 |
| 15 RCNY 12-16 BA8C <u>Compliance</u> Obtain 3d party inspection within-14 days | Failure to have 3d. Party inspection | 750 | 750 | 875 | No | 875 |

| | | | | | | |
|--|---|-----|-----|-----|-----|-----|
| 15 RCNY 12-18 BA9C <u>Compliance</u> Post public notice in a conspicuous location- Forthwith | Failure to post public notice in conspicuous location | 400 | 400 | 500 | No | 875 |
| 15 RCNY 12 BA1D Compliance Comply with Perc-drycleaner rule- Forthwith | Violation of perc dry cleaner rules | 750 | No | 875 | No | 875 |
| NYC Admin. Code Title 24 BA99 | Misc. Violation of Air Pollution Control Code | 350 | 350 | 545 | 545 | 875 |

CONSTRUCTION DUST RULES

| | | | | | | |
|-------------------------------------|--|------|------|------|------|------|
| 15 RCNY13-01(d) BAA1 BAD3 | No access to inspect site | 700 | 700 | 1085 | 1085 | 1750 |
| 15 RCNY13-01(e) BAA2 BAD4 | Interference w/DEP employee | 700 | 700 | 1085 | 1085 | 1750 |
| 15 RCNY13-04(a) BAA3 BAD5 | Failed to control release of dust from construction by wetting or other acceptable means | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-04(b) | Failed to cover trucks used to transport particulate matter | 1000 | 1000 | 1500 | 1500 | 1750 |

BAA4
BAD6

| | | | | | | |
|---------------------------------|--|------|------|------|------|------|
| 15 RCNY13-04(c) BAA5 BAD7 | Failed to provide adequate water to perform wet method of dust control | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-04(e) BAA6 BAD8 | Failed to provide suitable drainage for water and sludge | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-05(a) BAA7 BAD9 | Failed to wet (& maintain wet) all exterior building surfaces prior to & during demolition | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-05(b) BAA8 BAE1 | Failed to wet and/or cover construction materials before & during loading and transport | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-05(c) BAA9 BAE2 | Failed to use wetting to control dust during drilling, grinding or other similar construction activities | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-05(d) BAB1 BAE3 | Failed to control dust produced at transfer points | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-05(e) BAB2 BAE4 | Failed to have sprinklers at transfer points capable of being operated by person responsible for loading | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-05(f) BAB3 BAE5 | Failed to moisten soil or debris piles to prevent windblown dust | 1000 | 1000 | 1500 | 1500 | 1750 |

| | | | | | | |
|---------------------------------|---|------|------|------|------|------|
| 15 RCNY13-06(a) BAB4 BAE6 | Failed to properly remove debris during hand demolition | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-06(b) BAB5 BAE7 | Failed to board up windows to prevent dust emission during renovation | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-06(c) BAB6 BAE8 | Failed to suppress dust during sandblasting | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-06(d) BAB7 BAE9 | Failed to cover trucks used to transport dust-producing materials | 1000 | 1000 | 1500 | 1500 | 1750 |
| 15 RCNY13-06(e) BAB8 BAF1 | Failed to remove earth or other materials daily | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-06(g) BAB9 BAF2 | Used blowers for mud or dirt removal | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-06(h) BAC1 BAF3 | Failed to operate construction vehicles slowly to minimize dust emissions | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-06(i) BAC2 BAF4 | Failed to properly stabilize disturbed areas | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-07(b) BAC3 BAF5 | Failed to wet adequately before and during demolition | 1000 | 1000 | 1500 | 1500 | 3000 |

| | | | | | | |
|---------------------------------|--|------|------|------|------|------|
| 15 RCNY13-07(c) BAC4 BAF6 | Failed to use chutes/buckets to transport debris | 1000 | 1000 | 1500 | 1500 | 3000 |
| 15 RCNY13-07(d) BAC5 BAF7 | Failed to remove dust/debris daily from adjacent areas | 800 | 800 | 1200 | 1200 | 3000 |
| 15 RCNY13-08(a) BAC6 BAF8 | Performed dry sandblasting | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-08(b) BAC7 BAF9 | Failed to use containment during sandblasting | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-08(c) BAC8 BAG1 | Failed to use curtains during sandblasting | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-08(d) BAC9 BAG2 | Failed to give required advance notice of sandblasting | 800 | 800 | 1200 | 1200 | 1750 |
| 15 RCNY13-09 BAD1 BAG3 | Failed to register dust-emitting construction equipment with DEP | 875 | 875 | 1315 | 1315 | 1750 |
| 15 RCNY13-10 BAD2 BAG4 | Failed to prevent dust emission from open areas after demolition | 800 | 800 | 1200 | 1200 | 1750 |

This schedule is to be used with the Air Code Penalty Schedule

SCHEDULE E-PENALTIES FOR FUEL BURNING EQUIPMENT

Gross Input or Designed Fuel Consumption of Equipment in Million of BTU/Hr

| #4 or #6 Fuel Oil & Solid Fuels | Gasoline, #2 Fuel Oil and Nat. Gas | Civil Penalties | | |
|---------------------------------|------------------------------------|------------------|----------------|-------|
| | | 1st. Viol./Stip. | 2nd Viol./Stip | Max |
| Less than 2.8 | Less than 2.8 | 560 | 870 | 1,400 |
| 2.8 to less than 2.1 | 2.8 to less than 50 | 720 | 1,115 | 1,800 |
| 21 to less than 42 | 50 or greater | 1,200 | 1,860 | 3,000 |
| 42 or greater | | 1,600 | 2,480 | 4,000 |

SCHEDULE F-PENALTIES FOR OTHER THAN FUEL OR REFUSE BURNING EQUIPMENT

Emission Rate in cubic feet per minute Civil Penalties Based on Environmental Ratings as Contained in Section 24-153

| | Env. Rating A | | |
|---------------------------|-----------------|-----------------|--------|
| | 1st Viol./ Stip | 2nd Viol./Stip. | Max |
| Less than 5,000 | 2,400 | 3,720 | 6,000 |
| 5,000 to less than 20,000 | 3,200 | 4,960 | 8,000 |
| 20,000 or greater | 4,800 | 7,440 | 12,000 |

| | Env. Rating B | | |
|---------------------------|------------------|-----------------|-------|
| | 1st Viol. /Stip. | 2nd Viol./ Stip | Max |
| Less than 5,000 | 1,600 | 2,480 | 4,000 |
| 5,000 to less than 20,000 | 2,400 | 3,720 | 6,000 |
| 20,000 or greater | 3,200 | 4,960 | 8,000 |

| | Env. Rating C | | |
|---------------------------|-----------------|-----------------|-------|
| | 1st Viol./Stip. | 2nd Viol./Stip. | Max |
| Less than 5,000 | 1,200 | 1,860 | 3,000 |
| 5,000 to less than 20,000 | 1,600 | 2,480 | 4,000 |
| 20,000 or greater | 2,400 | 3,720 | 6,000 |

| | Env. Rating D | | |
|---------------------------|-----------------|----------------|-------|
| | 1st Viol./ Stip | 2nd Viol./Stip | Max |
| Less than 5,000 | 800 | 1,240 | 2,000 |
| 5,000 to less than 20,000 | 1,200 | 1,860 | 3,000 |
| 20,000 or greater | 2,000 | 3,100 | 5,000 |

SCHEDULE G – PENALTIES FOR REFUSE BURNING EQUIP

Maximum Horizontal inside Cross Sectional Area of Primary Combustion Chamber in Square Feet

Civil Penalties

| | 1st Viol./Stip | 2nd Viol./Stip | Max. |
|------------|----------------|----------------|-------|
| 25 or less | 640 | 995 | 1,600 |
| 25-40 | 800 | 1,240 | 2,000 |
| Above 40 | 1,200 | 1,860 | 3,000 |