

§3-112 Health Code Lead Abatement Penalty Schedule

HEALTH CODE LEAD ABATEMENT PENALTY SCHEDULE

A second violation is a violation by the same respondent that is within the same category of this penalty schedule as the prior violation, and must have a date of occurrence that is within 2 years of the date of occurrence of the prior violation.

All citations are to the New York City Health Code.

Pursuant to §3-81(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 §3-32, within 30 days of the mailing date of the default order issued against respondent.

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/RULE	DESCRIPTION	1st VIOLATION PENALTY	2nd VIOLATION PENALTY	Default
Filing Procedures				
173.14(c)(1)(aa) AL01, AL50	Failure to file timely notice of start of abatement	450	900	1,000
173.14(c)(1)(bb) AL02, AL51	Failure to give required info on start of abatement notice	100	200	1,000
173.14(c)(1)(dd) AL03, AL52	No timely notice of change in notice of abatement	100	200	1,000
Recordkeeping				
173.14(c)(3)(aa) AL04, AL53	Failure to make/keep records of abatement performed	300	600	1,000
173.14(c)(3)(bb) AL05, AL54	Failure to maintain environmental test results/records	300	600	1,000
173.14(c)(3)(cc) AL06, AL55	Failure to retain or permit inspection of records	300	600	1,000
Wet Scraping and Repainting				
173.14(d)(1)(aa) AL07, AL56	Failure to use scraper/water mist to remove paint	300	600	1,000
173.14(d)(1)(bb) AL08, AL57	Failure to properly re-seal scraped surfaces	300	600	1,000

Removal

173.14(d)(2)(aa) AL09, AL58	Failure to remove paint by planing/chemical stripping	300	600	1,000
173.14(d)(2)(bb) AL10, AL59	Use of prohibited method of paint removal	450	900	1,000
Enclosure				
173.14(d)(3)(aa) AL11, AL60	Failure to properly enclose walls	300	600	1,000
173.14(d)(3)(bb) AL12, AL61	Failure to properly enclose chewable surfaces	300	600	1,000
173.14(d)(3)(cc) AL13, AL62	Failure to tightly seal seams	300	600	1,000
173.14(d)(3)(dd) AL14, AL63	Failure to properly seal abated surfaces	300	600	1,000
173.14(d)(3)(ee) AL15, AL64	Use of enclosure method where not proper	300	600	1,000
Encapsulation				
173.14(d)(4)(aa) AL16, AL65	Failure to properly prepare surfaces	100	200	1,000
173.14(d)(4)(bb) AL17, AL66	Use of unapproved encapsulant	100	200	1,000
173.14(d)(4)(cc) AL18, AL67	Use of improper material as encapsulant	100	200	1,000
173.14(d)(4)(dd) AL19, AL68	Use of encapsulation method where not proper	300	600	1,000
Replacement				
173.14(d)(5) AL20, AL69	Improper replacement or removal	300	600	1,000
Abatement Area Preparation (Less than or equal to 6sf per room)				
173.14(e)(2)(aa)(i) AL21, AL70	Failure to post warning signs/notices (<6sf)	100	200	1,000

173.14(e)(2)(aa)(ii) AL22, AL71	Failure to remove/cover movable objects (<6sf)	100	200	1,000
173.14(e)(2)(aa)(iii) AL23, AL72	Failure to cover floor prior to/during abatement (<6sf)	100	200	1,000
173.14(e)(2)(aa)(iv) AL24, AL73	Failure to correct conditions causing paint to peel (<6sf)	300	600	1,000
173.14(e)(2)(aa)(v) AL25, AL74	Starting abatement prior to full area preparation (<6sf)	100	200	1,000
173.14(e)(2)(aa)(vi) AL26,AL75	Failure to instruct occupants to avoid work area (<6sf)	100	200	1,000

**Abatement Area Preparation
(More than 6sf per room)**

173.14(e)(2)(bb)(i) AL27, AL28 AL76, AL77	Failure to post warning signs/notices	300	600	1,000
173.14(e)(2)(bb)(i) AL29, AL78	Failure to remove/cover movable objects	300	600	1,000
173.14(e)(2)(bb)(i) AL30, AL79	Failure to correct conditions causing paint to peel	300	600	1,000
173.14(e)(2)(bb)(i) AL31, AL80	Starting abatement prior to full area preparation	300	600	1,000
173.14(e)(2)(bb)(i) AL32, AL81	Failure to instruct occupants to avoid work area	300	600	1,000
173.14(e)(2)(bb)(ii) AL33, AL82	Failure to seal abatement area to prevent access	450	900	1,000
173.14(e)(2)(bb)(iii) AL34, AL83	Failure to isolate abatement area from other areas	450	900	1,000
173.14(e)(2)(bb)(iv) AL35, AL84	Failure to properly cover floor/movable objects	300	600	1,000
173.14(e)(2)(bb)(v) AL36, AL85	Failure to properly seal openings	300	600	1,000

Health and Safety

173.14(e)(3)(aa)	Failure to minimize dispersal of	450	900	
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AL37, AL86	lead			1,000
173.14(e)(3)(bb) AL38, AL87	Improper maintenance of flammable materials/data	100	200	1,000
173.14(e)(3)(cc) AL39, AL88	Failure to properly store/dispose of contaminated material	300	600	1,000
173.14(e)(3)(dd) AL40, AL89	Failure to properly isolate clean changing area	100	200	1,000
Daily Clean-up				
173.14(e)(4)(aa) AL41, AL90	Failure to properly clean area daily	300	600	1,000
Final Clean-up				
173.14(e)(4)(bb)(i) AL42, AL91	Failure to properly mist/sweep/remove poly sheeting	300	600	1,000
173.14(e)(4)(bb)(ii) AL43, AL92	Failure to properly HEPA vacuum surfaces	300	600	1,000
173.14(e)(4)(bb)(iii) AL44, AL93	Failure to properly wash surfaces	300	600	1,000
173.14(e)(4)(bb)(iv) AL45, AL94	Failure to properly perform second HEPA vacuuming	300	600	1,000
173.14(e)(4)(bb)(v) AL46, AL95	Failure to properly inspect/reclean abated surfaces	300	600	1,000
Final Inspection				
173.14(e)(4)(cc) AL47, AL96	Failure to properly perform final inspection	450	900	1,000
Clearance for re-occupancy				
173.14(e)(4)(dd) AL48, AL97	Allowed re-occupancy prematurely	450	900	1,000
173.14(e)(6) AL49, AL98	Failure to provide requested clearance dust test results	450	900	1,000
Miscellaneous				
173.14 AI99	Miscellaneous violations	450		1,000