

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on proposed rule regarding penalties for offenses adjudicated by the Environmental Control Board (ECB).

Date / Time: September 13, 2011 / 3:30 p.m.

Location: ECB
66 John Street
10th Floor, Conference Room
New York, N.Y. 10038

Contact: James Macron
Counsel to the Board
ECB
66 John Street
10th Floor
New York, N.Y. 10038
(212) 361-1515

Proposed Rule Amendment

According to the authority found in the Environmental Control Board by Section 1049-a of the New York City Charter, and in accordance with Section 1043(b) of the Charter, the Environmental Control Board proposes to amend subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York, creating penalties for offenses adjudicated by the Environmental Control Board. New matter in the following rule is underlined, and deleted material is in brackets. This rule was not included in the Environmental Control Board's regulatory agenda because it was not anticipated at the time the agenda was created.

Instructions

- Written comments regarding the proposed rule may be sent to James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, on or before September 13, 2011. Members of the public may also submit comments on the rule electronically through NYC RULES at www.nyc.gov/nycrules.
- A public hearing regarding the proposed rule will be held on September 13, 2011 at 3:30 p. m., at ECB, 66 John Street, 10th Floor, Conference Room, New York, N.Y. 10038. Persons seeking to testify are requested to notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 on or before September 13, 2011.
- Individuals who need a sign language interpreter or other accommodation for a disability should notify James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038, (212) 361-1515 by September 6, 2011.
- Individuals interested in receiving written comments and a transcript of oral comments on the proposed rule may request them by writing to: James Macron, Counsel to the Board, ECB, 66 John Street, 10th Floor, New York, N.Y. 10038.

Statement of Basis and Purpose of Proposed Rule

The Environmental Control Board is amending its Sewer Control Rules Penalty Schedule found in Section 3-123 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York (RCNY).

The current Sewer Control Rules Penalty schedule went into effect in 2005. All charges have default penalties of \$10,000 even if the penalty imposed at a hearing is as low as \$100. To reduce the gap between hearing penalties and default penalties, ECB proposes to change the penalty so that the default penalty will be \$1,000 for the first violation, \$2,000 for a second violation and \$3,000 for a third violation. The only exceptions would be violations where the non-mitigated penalty imposed is higher than these default penalties. In those cases, the default penalty will be double the non-mitigated penalty. However, the maximum default penalty will not exceed \$10,000.

ECB also requests other minor changes to the penalty schedule:

- Increase the mitigated penalty for first offense discharges of a flammable or explosive substance under 15 RCNY 19-03(a)(4) and toxics under 15 RCNY 19-03 (a)(10)-(11). The current penalty is \$250. This change would increase the penalty to \$500. The reason for this change is to make the penalty consistent with other penalties for other discharges under 15 RCNY 19-03(a)(5)-(8).
- Change the footnote reference for the mitigation criteria for 15 RCNY 19-03(a)(6) to footnote 1. The current schedule has a reference to footnote 3 that is wrong. Footnote 3 refers to corrections detected through visual observation. Footnote 1 refers to corrections detected through routine sampling. Discharges under this section of law are detected by routine sampling so footnote 1 applies.
- Raise the first offense penalty for failure to install/maintain dry cleaning pretreatment equipment under 15 RCNY 19-12(a), (c) from \$50 to \$350. This corrects an error in the 2005 schedule. The penalty should always have been \$350.
- Change the description for 15 RCNY 19-10(b)(1)-(2). The current description is incomplete. The new and complete description will give the public better notice of the charge.
- On the first page of the penalty schedule, 31-81(b) and 31-32 should read 3-81(b) and 3-32. These provisions were renumbered in 2008 but the penalty schedule was not changed.
- Add "A.C." to all charges for violations of the Administrative Code to tell the public where to find the law.
- Change "Comm"s" to "Comm's" in the description for Administrative Code section 24-524(f)

New matter in the following rule is underlined
Deleted material is in [brackets]

Section 1. The Sewer Control Rules Penalty Schedule found in Section 3-123 of Subchapter G of Chapter 3 of Title 48 of the Rules of the City of New York is amended by adding two new charges immediately following the charge in that penalty schedule for 1-109(d), "Failure to conduct required air monitoring," to read as follows:

1	19-03 (a) (6) 19-03 (a) (9) 19-04 (a)-(c)	Mitigation	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.
2	24-524 (f)	Mitigation failure to comply	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.
3	[19-03 (a)(4)-(8)] 19-03 (a)(4),(5),(7),(8) 19-03 (a)(10)-(11) 19-03 (a)(15)	Mitigation	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.
4	24-524 (f)	Mitigation failure to comply	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 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.
5	19-02 (a), (d) 19-05 (e) 19-06 (b)	Mitigation	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.

6	19-03 (a)(12)	Mitigation discharge burdensome to plant	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.
7	24-509 (c)	Mitigation failure to connect to public sewer	Respondent has DEP house connection permit by first scheduled hearing date and connects within three weeks of the first scheduled hearing date.
8	24-509 (c)	Mitigation failure to connect to public sewer	Respondent files plumbing repair application with department of buildings by first scheduled hearing date and completes connection within five weeks of the first scheduled hearing date.
9	24-509 (c)	Mitigation failure to connect to public sewer	Respondent fails to initiate the connection process by first scheduled hearing date but completes connection within seven weeks of the first scheduled hearing date.

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.

See actual CIP for all requirements, and for further details. 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 NOV's, 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.

Determining Factors For Reduction in Penalty	Percent Reduction In Penalty
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 <u>violation caused</u> no harm to public health, safety or the environment.	100%
All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval). [I]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 <u>violation caused</u> no harm to public health, safety or the environment.	90%

<p>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 <u>violation caused</u> no harm to public health, safety or the environment.</p>	<p>80%</p>
<p>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 education program attended, and <u>violation caused</u> no harm to public health, safety or the environment[.].</p>	<p>70%</p>
<p>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 <u>violation caused</u> harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence.</p>	<p>60%</p>
<p>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 <u>violation caused</u> harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence.</p>	<p>50%</p>
<p>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 <u>violation caused</u> harm to public health, safety, or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence.</p>	<p>40%</p>
<p>All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) <u>instead of 90 days following detection</u> 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 <u>violation caused</u> harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence.</p>	<p>30%</p>

REGULATION[Regulation]	DESCRIPTION[Description]	FIRST VIOLATION[First Violation]		SECOND VIOLATION[Second Violation]		THIRD VIOLATION[Third Viol.]		SUBS. VIOL.[Subs. Viol.]	DEFAULT PENALTY
		PENALTY	MIT. PENALTY	PENALTY	MIT. PENALTY	PENALTY	MIT. PENALTY		
15 RCNY 19-02 (a), (d)	Unauthorized connection to public sewer/ Interceptor								
1 st offense		300	200 ⁵						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs. offense								2500	10000
15 RCNY 19-02 (b), (c),(e)	Unauthorized discharge to catch basin/storm/ sanitary sewer								
1 st offense		250	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-02 (f),	Discharge of Groundwater without permit								
1 st offense		250	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-03 (a)(1)	Discharge of obstructive substance or Other Interference								
1 st offense		350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-03 (a)(2)	Discharge of snow and ice at Unauthorized Location								
1 st offense		100	NO						1000
2 nd offense				200	NO				2000
3 rd offense						500	NO		3000
Subs offense								1000	10000
15 RCNY 19-03 (a)(3)	Discharge of steam/waste water over 150° f								
1 st offense		350	NO						1000

2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	NO		<u>3000</u>
Subs offense								2000	<u>10000</u>
15 RCNY 19-03 (a)(4)	Discharge of flammable or explosive Substance								
1 st offense		1000	[250]500 ³						<u>2000</u>
2 nd offense				2000	NO				<u>4000</u>
3 rd offense						4000	NO		<u>8000</u>
Subs offense								10000	<u>10000</u>
15 RCNY 19-03 (a)(5)	Discharge of oil 0-5 qts from changing oil in privately owned Automobile								
1 st offense		500	NO						<u>1000</u>
2 nd offense				800	NO				<u>2000</u>
3 rd offense						1000	NO		<u>3000</u>
Subs offense								2000	<u>10000</u>
15 RCNY 19-03 (a) (6)	Discharge of non-polar material								
1 st offense		<u>1000</u>	<u>500</u> ¹						<u>2000</u>
2 nd offense				<u>2000</u>	<u>800</u> ¹				<u>4000</u>
3 rd offense						<u>4000</u>	<u>1000</u> ¹		<u>8000</u>
Subs offense								7500	<u>10000</u>
15 RCNY 19-03 (a) (5) [-] (7), (8)	Discharge of oil sludge/[non-polar material/] coal tar/ paints								
1 st offense		1000	500 ³						<u>2000</u>
2 nd offense				2000	800 ³				<u>4000</u>
3 rd offense						4000	<u>1000</u> ³		<u>8000</u>
Subs offense						[MIT.PENALTY 1000 ³]		7500	<u>10000</u>
15 RCNY 19-03 (a)(9)	Discharge of wastewater outside of applicable ph limits								
1 st offense		400	250 ¹						<u>1000</u>
2 nd offense				800	400 ¹				<u>2000</u>
3 rd offense						1000	NO		<u>3000</u>
Subs offense								2000	<u>10000</u>
15 RCNY 19-03 (a) (10)-(11)	Discharge of toxics								
1 st offense		1000	[250]500 ³						<u>2000</u>
2 nd offense				2000	NO				<u>4000</u>
3 rd offense					4000			<u>8000</u>	

								<u>NO</u>		
Subs offense									10000	<u>10000</u>
15 RCNY 19-03(a)(12)	Discharge of pollutant burdensome to sewage treatment plant									
1 st offense		2500	1500 ⁶							<u>5000</u>
2 nd offense				5000	NO					<u>10000</u>
3 rd offense						7500	<u>NO</u>			<u>10000</u>
Subs offense									10000	<u>10000</u>
15 RCNY 19-03(a)(13)-(14)	Discharge of noxious malodorous or discoloring substance									
1 st offense		350	NO							<u>1000</u>
2 nd offense				800	NO					<u>2000</u>
3 rd offense						1000	<u>NO</u>			<u>3000</u>
Subs offense									2000	<u>10000</u>
15 RCNY 19-03 (a)(15)	Discharge of dry cleaning wastes									
1 st offense		1000	250 ³							<u>2000</u>
2 nd offense				2000	NO					<u>4000</u>
3 rd offense						4000	<u>NO</u>			<u>8000</u>
Subs offense									5000	<u>10000</u>
15 RCNY 19-03 (b)	Discharge of unshredded garbage									
1 st offense		350	NO							<u>1000</u>
2 nd offense				1000	NO					<u>2000</u>
3 rd offense						2000	<u>NO</u>			<u>3000</u>
Subs offense									5000	<u>10000</u>
15 RCNY 19-03(d)(1)	Failure to Protect against accidental discharge									
1 st offense		350	NO							<u>1000</u>
2 nd offense				1000	NO					<u>2000</u>
3 rd offense						2500	<u>NO</u>			<u>3000</u>
Subs offense									5000	<u>10000</u>
15 RCNY 19-03 (d)(2)	Failure to immediately notify DEP of accidental discharge									
1 st offense		500	NO							<u>1000</u>
2 nd offense				1000	NO					<u>2000</u>
3 rd offense						2500	<u>NO</u>			<u>3000</u>

Subs offense								5000	10000
15 RCNY 19-03 (d)(3)	Failure to post accidental discharge procedures								
1 st offense		250	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-03(d)(4)	Failure to mitigate discharge and commence clean-up								
1 st offense		500	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2500	NO		3000
Subs offense								5000	10000
15 RCNY 19-03 (e)	Failure to control sewer odor arising in premise								
1 st offense		350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-03 (f)	Failure to install or maintain pretreatment equipment (grease)								
1 st offense		100	NO						1000
2 nd offense				400	NO				2000
3 rd offense						800	NO		3000
Subs offense								1500	10000
15 RCNY 19-03 (g)	Unlawful discharge of radioactive material								
1 st offense		2500	NO						5000
2 nd offense				5000	NO				10000
3 rd offense						7500	NO		10000
Subs offense								10000	10000
15 RCNY 19-04 (a)	Discharge of cyanide amenable in excess of local limit, [w/exceedance] but less than 25x the limit								
1 st offense		400	250 ¹						1000
2 nd offense				800	400 ¹				2000
3 rd offense						1000	NO		3000

Subs offense								2000	10000
15 RCNY 19-04 (a)	Discharge of cyanide amenable in excess of local limit, [w/exceedance] and exceeding 25x the limit or greater								
1 st offense		750	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2000	NO		3000
Subs offense								5000	10000
15 RCNY 19-04 (a)-(c)	Discharge in excess of local/ categorical limits/ limits set by commissioner [w/ exceedance], but less than 10x the limit (not applicable to [cn]cyanide amenable under 19-04 (a))								
1 st offense		400	250 ¹						1000
2 nd offense				800	400 ¹				2000
3 rd offense						1000	NO		3000
Subs offense								2000	10000
15RCNY 19-04 (a)-(c)	Discharge in excess of local/ categorical limits/ limits set by commissioner [w/ exceedance], and exceeding 10x the limit or greater (not applicable to [cn]cyanide amenable under 19-04 (a))								
1 st offense		750	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2000	NO		3000
Subs offense								5000	10000
15 RCNY 19-04 (d)	Failure to Maintain/properly operate pretreatment equipment (categorical)								
1 st offense		350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-04 (e)	Unlawful dilution of wastewater								
1 st offense		500	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2500	NO		3000
Subs offense								5000	10000
15 RCNY 19-05(a) (1)-(2)	Discharge of wastewater w/o permit or equivalent control mechanism								
1 st offense		300	NO						1000
2 nd offense				500	NO				2000

3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
15 RCNY 19-05 (c)	Refusal to provide information, [or] permit inspection, or measure/sample (pretreatment)								
1 st offense		500	NO						<u>1000</u>
2 nd offense				1000	NO				<u>2000</u>
3 rd offense						2500	<u>NO</u>		<u>3000</u>
Subs offense								5000	<u>10000</u>
15 RCNY 19-05 (d)	Failure to install measurement/ sampling equipment, as required								
1 st offense		350	NO						<u>1000</u>
2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
15 RCNY 19-05 (e)	New connection to public sewer, without permit								
1 st offense		500	250 ⁵						<u>1000</u>
2 nd offense				1000	NO				<u>2000</u>
3 rd offense						2500	<u>NO</u>		<u>3000</u>
Subs offense								5000	<u>10000</u>
15 RCNY 19-06 (a)(1)	Discharge of scavenger waste without scavenger waste permit								
1 st offense		1000	NO						<u>2000</u>
2 nd offense				2500	NO				<u>5000</u>
3 rd offense						5000	<u>NO</u>		<u>10000</u>
Subs offense								7500	<u>10000</u>
15 RCNY 19-06 (a)	Discharge of scavenger waste in violation of terms of permit/ discharge of scavenger waste from outside NYC								
(1)-(2)									
1 st offense		500	NO						<u>1000</u>
2 nd offense				1000	NO				<u>2000</u>
3 rd offense						2500	<u>NO</u>		<u>3000</u>
Subs offense							5000	<u>10000</u>	
15 RCNY 19-06 (a)(3)	Discharge of non-sanitary Wastes								
1 st offense		1000	NO						<u>2000</u>
2 nd offense				2500	NO				<u>5000</u>
3 rd offense						5000	<u>NO</u>		<u>10000</u>

Subs. offense								7500	10000
15 RCNY 19-06 (a)(4)	Discharge of scavenger wastes at non-designated Manhole								
1 st offense		500	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2500	NO		3000
Subs offense								5000	10000
15 RCNY 19-06 (b)	Discharge of Scavenger wastes in unclean/unsafe manner/failure to produce or carry permit/false or misleading statement in application								
1 st offense		400	100 ⁵						1000
2 nd offense				1000	250 ⁵				2000
3 rd offense						2500	NO		3000
Subs offense								5000	10000
15 RCNY 19-06 (d)	Unlawful transport of other wastes in scavenger [Truck]vehicle								
1 st offense		1000	NO						2000
2 nd offense				2500	NO				5000
3 rd offense						5000	NO		10000
Subs offense								7500	10000
15 RCNY 19-06 (e)	Impermissible discharge of waste from Grease interceptor, separator, or Trap								
1 st offense		1000	NO						2000
2 nd offense				2500	NO				5000
3 rd offense						5000	NO		10000
Subs offense								7500	10000
15 RCNY 19-07 (a), (i)	Failure to prepare/ Implement silver halide bmp								
1 st offense		350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
15 RCNY 19-07 (b), (f)	Failure to install, operate, and maintain proper Pretreatment Equipment								
1 st offense		350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000

15 RCNY 19-07 (c)	Failure to follow off-site recovery req. for silver Halide records and measurements, or vendor Certification									
1 st offense		350	NO						<u>1000</u>	
2 nd offense				500	NO					<u>2000</u>
3 rd offense						1000	NO			<u>3000</u>
Subs offense								2500		<u>10000</u>
15 RCNY 19-07 (d), (h)	Failure to maintain and make available all required records and measurements, or vendor Certification									
1 st offense		350	NO						<u>1000</u>	
2 nd offense				500	NO					<u>2000</u>
3 rd offense						1000	NO			<u>3000</u>
Subs offense								2500		<u>10000</u>
15 RCNY 19-10 (b) (1)-(2)	Unauthorized entry into or damage to <u>sewer system</u>									
1 st offense		2500	NO						<u>5000</u>	
2 nd offense				5000	NO					<u>10000</u>
3 rd offense						7500	NO			<u>10000</u>
Subs offense								10000		<u>10000</u>
15 RCNY 19-10 (c)	Interference with DEP personnel/ Equipment									
1 st offense		1000	NO						<u>2000</u>	
2 nd offense				2500	NO					<u>5000</u>
3 rd offense						5000	NO			<u>10000</u>
Subs offense								10000		<u>10000</u>
15 RCNY 19-10 (d)	Refusal to allow entry/tampering With sampling or testing device									
1 st offense		1000	NO						<u>2000</u>	
2 nd offense				2500	NO					<u>5000</u>
3 rd offense						5000	NO			<u>10000</u>
Subs offense								10000		<u>10000</u>
15 RCNY 19-10 (e)	Failure to Provide Required Information/ refusal to Cooperate									
1 st offense		500	NO						<u>1000</u>	
2 nd offense				1500	NO					<u>2000</u>
3 rd offense						5000	NO			<u>10000</u>
Subs offense								7500		<u>10000</u>

15 RCNY 19-12 (a), (c)	Failure to install/ maintain pretreatment equipment (dry Cleaners)								
1 st offense		350	NO						<u>1000</u>
2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
15 RCNY 19-12 (b),	Discharge of dry cleaning waste (perc)								
1 st offense		500	NO						<u>1000</u>
2 nd offense				1000	NO				<u>2000</u>
3 rd offense						2500	<u>NO</u>		<u>3000</u>
Subs offense								5000	<u>10000</u>
15 RCNY 19-12 (d),	Failure to protect against accidental spill (dry cleaner Waste)								
1 st offense		350	NO						<u>1000</u>
2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
15 RCNY 19-12 (e),	Failure to maintain records (dry cleaners)								
1 st offense		350	NO						<u>1000</u>
2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
A.C. 24-509 (c)	Failure to connect to public sewer w/i 6 months of notification								
1 st offense		3000	500 ⁷ 750 ⁸ 1000 ⁹						<u>5000</u>
2 nd offense				N/A	N/A				
3 rd offense						N/A	<u>N/A</u>		
Subs offense								N/A	
A.C. 24-523 (c)(2)	Failure to maintain/submit required record/ Report								
1 st offense		350	NO						<u>1000</u>
2 nd offense				500	NO				<u>2000</u>
3 rd offense						1000	<u>NO</u>		<u>3000</u>
Subs offense								2500	<u>10000</u>
A.C. 24-523 (c)(2)	Failure to								

1 st offense	Maintain monitoring equipment/ Methods	350	NO						1000
2 nd offense				500	NO				2000
3 rd offense						1000	NO		3000
Subs offense								2500	10000
A.C. 24-523 (c)(2)									
1 st offense	Failure to Provide Required information	500	NO						1000
2 nd offense				1500	NO				2000
3 rd offense						5000	NO		10000
Subs offense								7500	10000
A.C. 24-523 (c)(3)									
1 st offense	Refusal to allow inspection of monitoring equipment / method or sampling	1000	NO						2000
2 nd offense				2500	NO				5000
3 rd offense						5000	NO		10000
Subs offense								10000	10000
A.C. 24-523 (c)(4)									
1 st offense	Providing false or misleading information	1000	NO						2000
2 nd offense				2500	NO				5000
3 rd offense						5000	NO		10000
Subs offense								10000	10000
A.C. 24-523 (f)/24-524 (f)									
1 st offense	Failure to comply with Comm. request for information/terms of permit other than reporting requirements	500	NO						1000
2 nd offense				1000	NO				2000
3 rd offense						2500	NO		3000
Subs offense								5000	10000
A.C. 24-524 (f)									
1 st offense	Failure to comply With [Comm"s] Comm's Order	400	125 ²						1000
2 nd offense				600	250 ⁴				2000
3 rd offense						800	400 ⁴		3000
Subs offense						[MIT. PENALTY 400 ⁴]		1000	10000
A.C. 24-524 (f)									
1 st offense	Failure to comply with terms of permit reporting requirements	250	125 ²						1000
2 nd offense				500	250 ⁴				2000

3 rd offense						800	<u>NO</u>		<u>3000</u>
Subs offense								1000	<u>10000</u>
A.C. Title 24, Ch.5 15 RCNY Ch. 19	Miscellaneous Administrative Code/rule violation								
1 st offense		500	NO						<u>1000</u>
2 nd offense				1000	NO				<u>2000</u>
3 rd offense						2500	<u>NO</u>		<u>3000</u>
Subs offense								5000	<u>10000</u>
A.C. Title 24, Ch.5 15 RCNY Ch. 19	Any serious Administrative Code/rule violation								
1 st offense		2500	NO						<u>5000</u>
2 nd offense				5000	NO				<u>10000</u>
3 rd offense						7500	<u>NO</u>		<u>10000</u>
Subs offense								10000	<u>10000</u>