

AIR CODE

Section of Law	ECB Computer Code	Violation Description	Compliance	1st Offense Stip.	1st Offense	Default Penalty	2nd Offense	2nd Stip.	3rd and Subsq. Offense	3rd & Subsq. Stip.
24-108(f)	BA01	Location of key to boiler room not posted or no key on premises	Post sign/provide key forthwith	350	350	875	545	545	545	545
24-109(b)(1)	BA02	Spraying insulation material w/o registration.	Register for spraying - forthwith	1,040	1,040	2,600	1,615	1,615	1,615	1,615
24-109(b)(2)	BA03	Building demolition w/o registration	Register demolition site - forthwith	1,040	1,040	2,600	1,615	1,615	1,615	1,615
24-109(b)(3)	BA04	Unregistered fuel burning equipment - #4 or #6 oil.	Obtain registration - 60 days	560	560 *(300)	1,400	870	870	870	870
24-109(b)(4)	BA05	Unregistered fuel burning equipment - #2 oil or natural gas	Obtain registration - 60 days	700	700 *(350)	1,750	1,085	1,085	1,085	1,085
24-109(f)	BA06	Operating emission source with expired registration	Obtain renewal of registration - 60 days	350	350	875	545	545	545	545
24-111	BA07	Interference/obstruction of DEP personnel	Cease interference with adm. personnel - forthwith	700	700	1,750	1,085	1,085	1,085	1,085
24-112	BA08	Making/filing false or misleading statements/documents	Submit documented information - forthwith	No	700	1,750	1,085	No	1,085	No
24-113(a)	BA09	Permits, certificate, or registration not displayed	Post permit, certificate, or registration - forthwith	120	120	300	185	185	185	185
24-113(c)	BA10	No display of notice required for equipment using residual oil	Post notice - forthwith	120	120	300	185	185	185	185
24-117	BA11	Unauthorized discontinuance of refuse burning equipment	Obtain incin. operation certificate or comply with subsection 117 & 119 - 90 days	350	350	875	545	No	545	No
24-118	BA12	Installation of refuse burning equip. non-municipal, greater than 25sq. ft.	Remove incinerator - forthwith	No	8,000	20,000	12,400	No	12,400	No

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24-118	BA13	Installation of refuse burning equip. non-municipal, less than 25sq. ft	Remove incinerator - forthwith	No	2,400	6,000	3,720	No	3,720	No
24-119(a)	BA14	Failure to provide refuse compactor	Install compactor - 90 days	No	1,600	4,000	2,480	No	2,480	No
24-120	BA15	Equipment installed/altered w/out work permit	File plans and application - 30 days	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	No	Schedule E,F,G	No
24-122(b)(1)	BA16	Operating fuel burning equipment w/out an operating certificate	Obtain operating certificate - 90 days	Sch. E	Sch. E	Sch. E	Sch. E	No	Sch. E	No
24-122(b)(2)	BA17	Operating manufacturing equipment w/out an operating certificate	Obtain operating certificate - 90 days	Sch. F	Sch. F	Sch. F	Sch. F	No	Sch. F	No
24-122(b)(3)	BA18	Operating portable powered equipment w/out an operating certificate	Obtain operating certificate - 90 days	Sch. E	Sch. E	Sch. E	Sch. E	No	Sch. E	No
24-122(b)(4)	BA19	Operating refuse burning equipment w/out an operating certificate	Obtain operating certificate - 90 days	Sch. G	Sch. G	Sch. G	Sch. G	No	Sch. G	No
24-122(b)(5)	BA20	Operating equipment w/out required operating certificate	Obtain operating certificate - 90 days	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	No	Schedule E,F,G	No
24-123(e)	BA21	Operating w/out renewal of expired operating certificate	File for renewal of operating certificate - 30 days	350	350	875	545	No	545	No
24-141	BA22	Emission of air contaminant equipment requiring O.C. or registration	Operate without further emissions forthwith	Schedule E,F,G	Sch E, F, G *(350)	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-141	BA24	Emission of air contaminant from unregulated source	Operate without further emissions forthwith	400	400	1,000	620	620	620	620
24-142(a)	BA25	Emission of air contaminant (smoke)	Operate without further emissions forthwith	Schedule E,F,G	Sch E, F, G *(350)	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G

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24-142	BA26	Emission of air contaminant from unregulated equipment	Operate without further emissions - forthwith	350	350	875	545	545	545	545
24-143	BA27	Emission of air contaminant from motor vehicle (Diesel)	Operate without further emissions - forthwith	350	350	875	545	545	545	545
24-144	BA28	Emission of sulphur compounds	Reduce sulphur emissions to legal limits - forthwith	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-145	BA29	Emission of particulates from refuse or fuel burning equipment	Reduce particulate matter from becoming airborne - forthwith	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-146(a)	BA30	Particulate matter allowed to become airborne	Keep particulate matter from becoming airborne - forthwith	700	700	1,750	1,085	1,085	1,085	1,085
24-146(b)	BA31	Asbestos spraying w/out permit	Cease spraying until permit obtained - forthwith	No	4,800	12,000	7,440	No	7,440	No
24-146(c)	BA32	Particulate emissions from construction activity	Keep particulate matter from becoming airborne - forthwith	700	700	1,750	1,085	1,085	1,085	1,085
24-146(d)	BA33	Particulate emissions from untreated open areas	Treat area to prevent particulates from becoming airborne - forthwith	560	560	1,400	870	870	870	870
24-146(e)	BA34	Spraying of insulation material w/o proper required precaution	Take proper precautions for spraying - forthwith	700	700	1,750	870	870	870	870

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24-146(f)	BA35	Failure to take required precautions during demolition	Take proper precautions for demolition - forthwith	1,200	1,200	3,000	1,860	1,860	1,860	1,860
24-147	BA36	Emission of air contaminant nitrogen oxides from boiler	Reduce nitrogen oxides emissions to legal limits - forthwith	1,400	1,400	3,500	2,170	2,170	2,170	2,170
24-148	BA37	Sale or use of photo-chemical solvents	Stop sale or use of photo-chemical solvents - forthwith	1,050	1,050	2,625	1,630	1,630	1,630	1,630
24-149	BA38	Caused or permitted air contaminant from open fire	Stop use of open fire - forthwith	350	350	875	545	545	545	545
24-150	BA39	Smoking in elevator/failure to post no smoking sign	Do not smoke in elevator / post no smoking sign - forthwith	200	200	500	310	310	310	310
24-151	BA40	Concealing or masking of air contaminant emission	Undo concealment or masking of air contaminant - 30 days	1,400	1,400	3,500	2,170	2,170	2,170	2,170
24-153	BA41	Air contaminant emission exceeding environmental rating	Reduce air contaminant level as prescribed by Env. Rating - forthwith	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-154	BA42	Failure to file environmental rating report	File environmental rating report within 30 days - 30 days	350	350	875	545	545	545	545
24-155	BA43	Improper maintenance of equipment requiring O.C. or registration	Maintain equipment properly - forthwith	Schedule E,F,G	Sch E, F, G *(350)	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G

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24-169(c)	BA57	Use/purchase, for regulated equipment, of fuel with excess sulphur	Purchase and use fuel with proper sulphur content - forthwith	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-169	BA58	Use/purchase, for unregulated equipment of fuel with excess sulphur	Purchase and use fuel with proper sulphur content - forthwith	350	350	875	545	545	545	545
24-169	BA59	Sale, offer, storage or transport of fuel with excess sulphur content	Comply with code - forthwith	2,400	2,400	6,000	3,720	3,720	3,720	3,720
24-173	BA60	Improper use of solid fuel in fuel burning equipment	Cease use of high sulphur fuel - forthwith	Sch E	Sch E	Sch E	Sch E	Sch E	Sch E	Sch E
24-174(a)	BA61	Sale, offer, transport or storage of gasoline with excessive lead content	Cease handling of gasoline with high lead content - forthwith	1,060	1,060	2,650	1,645	1,645	1,645	1,645
24-174(b)	BA62	Use or purchase of gasoline with excessive lead content	Cease purchase or use of gasoline with high lead content - forthwith	350	350	875	545	545	545	545
24-175(a)	BA63	Sale, offer, store, transport or storage of gasoline exceeding volatility limits	Cease handling of gasoline exceeding legal volatility - forthwith	1,060	1,060	2,650	1,645	1,645	1,645	1,645
24-175	BA64	Use or purchase of gasoline exceeding volatility limits	Cease purchase or use of gasoline with high volatility forthwith	350	350	875	545	545	545	545
24-176	BA65	Failure to report shipment of fuel to NYC as required	File fuel trip tickets - forthwith	350	350	875	545	545	545	545

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24-178(b)(8)	BA66	Breaking a Board ordered seal	Cease tampering with seal - forthwith	1,600	1,600	4,000	2,480	No	2,480	No
24-122(a)	BA67	Use or operation of equipment w/out an operating certificate	Obtain an operating certificate - 90 days	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G	Schedule E,F,G
24-131	BA80	Failure to comply with conditions of certificate or permit	Comply with terms on permit or certificate - forthwith	350	350	875	545	545	545	545
24-170	BA81	Failure to supply fuel supply information to the Commissioner	Supply fuel info to Commissioner - forthwith	350	350	875	545	545	545	545
24-172	BA82	Excess volatile matter (by weight) in boiler fuel	Cease use of high volatile matter fuel - forthwith	350	350	875	545	545	545	545
24-177(a)	BA83	Fail to have required statement on fuel information ticket	Supply required info on fuel tickets - forthwith	350	350	875	545	545	545	545
24-177(b)	BA84	Failure to retain fuel information tickets by shipper	Retain fuel info tickets - forthwith	350	350	875	545	545	545	545
24-177(c)	BA85	Failure to retain fuel records for one year	Retain fuel info tickets for one year - forthwith	350	350	875	545	545	545	545
24-131(c)	BA86	Failure to comply with Conditions of Certificate/Regulation of operation or Permit	Comply with conditions of Certificate/Regulation of operation or Permit - forthwith	265	265	875	400	400	400	400
24-143	BA87, AE87	Emission of Air contaminant from vehicle (non-diesel fuel)	Operate without further emissions - forthwith	300	300	875	460	460	460	460

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24-163	1st Offense: AE88, BA88 2nd Offense: AE1G, BA1G 3rd Offense: AE1H, BA1H	Idling of Motor Vehicle engine over three minutes (non-diesel fuel)	Do not idle motor vehicle more than 3 minutes - forthwith	300	300	1 st : 1000, 2nd: 1500, 3rd and Subs: 2000	460	460	620	620
24-163.3(b)(1)	BA92	Failed to use ultra low sulfur diesel fuel in nonroad vehicle	Use low sulfur fuel in nonroad vehicle - forthwith	1,000	1,000	10,000	5,000	5,000	5,000	5,000
24-163.3(b)(1)	BA93	Failed to use ultra low sulfur diesel fuel in nonroad vehicle (aggravated penalty for excess profit)	Use low sulfur fuel in nonroad vehicle - forthwith	No	1000 (plus agg. pen for excess profit)	10,000	5,000 (Plus agg. pen for excess profit)	No	5,000 (Plus agg. pen for excess profit)	No
24-163.3(b)(2)	BA94	Failed to use best available technology for emission reduction in nonroad vehicle	Use best available technology - forthwith	1,000	1,000	10,000	5,000	5,000	5,000	5,000
24-163.3(b)(2)	BA95	Failed to use best available technology for emission reduction in nonroad vehicle (aggravated penalty for excess profit)	Use best available technology - forthwith	No	1000 (plus agg. pen for excess profit)	10,000	5000 (plus agg. pen for excess profit)	No	5000 (plus agg. pen for excess profit)	No
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	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)		No	20000 (plus agg. pen for excess profit)	25,000	20000 (plus agg. pen for excess profit)	No	20000 (plus agg. pen for excess profit)	No

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24-108(e)	BA89	Refused access to authorized DEP employee	Permit access to employee - forthwith	350	350	875	545	545	545	545
24-117(j)	BA90	Failure to cease operation of refuse burning equipment	Cease operation of refuse burning equipment - forthwith	No	875	875	875	No	875	No
24-125(c)	BA91	Failure to comply with appropriate criteria referred to in this section	Comply with appropriate criteria referred to in this section - forthwith	No	350	875	545	No	545	No
		VAPOR RECOVERY REGULATIONS								
15 RCNY 4-03(a)(1)	BA68	No Stage 1 Vapor Collection System at Gas dispensing site	Install stage 1 vapor collection system - forthwith	350	350	875	545	545	545	545
15 RCNY 4-03(a)(2)(3)	BA69	Fail to maintain Stage 1 Vapor Collection and control system	Properly maintain stage 1 vapor collection/control system at site - forthwith	350	350	875	545	545	545	545
15 RCNY 4-03(a)(2)(IV)	BA70	Fail to connect and operate vapor collection system loading and unloading at site	Connect and operate vapor collection system while loading/unloading at site - forthwith	350	350	875	545	545	545	545
15 RCNY 4-03(a)(3)	BA71	No Stage 1 Vapor Recovery System Capacity at least 250 gallons	Install stage 1 vapor recovery system at gas dispensing site - forthwith	350	350	875	545	545	545	545

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15 RCNY 4-03(b)	BA72	No certificate of registration for gasoline dispensing site	Obtain certificate of registration for gas dispensing site - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(a)(3)	BA73	No NYSDEC date for pressure test on gasoline transporting vehicle	Post NYS DEC marking indicating last date pressure/vacuum test - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(c)	BA74	Fail to keep dome covers closed on gas transport vehicle	Keep dome cover closed while transport vehicle loading/unloading motion - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(d)(1)	BA75	No Stage 1 Vapor collect/control system on gasoline transport vehicle	Install stage 1 vapor collection and control system on gas transport - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(d)(2)	BA76	Fail to provide adequate training for operator of gasoline transport vehicle	Provide training for operator of gas transport vehicle - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(d)(3)	BA77	Failure to maintain Stage 1 vapor collection/control system on gas transport vehicle	Properly maintain stage 1 vapor collection and control system on gas transport vehicle - forthwith	350	350	875	545	545	545	545
15 RCNY 4-04(d)(4)	BA78	Failure to connect/operate vapor collection/control system on gas transport vehicle	Connect and operate vapor collection/control system on gas transport vehicle - forthwith	350	350	875	545	545	545	545

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15 RCNY 4-05	BA79	Failure to control visible leaks from vehicle vapor collection/control system	Control visible leaks from vapor collection and control system loading/unloading vehicle - forthwith	350	350	875	545	545	545	545
		PERCHLOROETHYLENE DRY CLEANING FACILITIES								
15 RCNY 12-05(a)	BA1A	Failure to install vapor barrier or room enclosure and general exhaust ventilation	Install vapor barrier or room enclosure and general exhaust ventilation - 30 days	No	750	875	No	875	No	875
	BA2A	Improper vapor barrier or room enclosure and general exhaust ventilation	Install proper vapor barrier or room enclosure and general exhaust ventilation - 30 days	750	750	875	875	No	875	No
15 RCNY 12-06(a)(4)(i)	BA3A	Improper process emission point location	Relocate process ventilation point - 30 days	No	750	875	875	No	875	No
15 RCNY 12-06(a)(4)(iii)	BA4A	Process emissions greater than 20 ppm	Retrofit to meet 20ppm standard - 30 days	750	750	875	875	No	875	No
15 RCNY 12-06(a)(4)(iv)	BA5A	Failure to properly operate exhaust damper	Close or repair exhaust damper - forthwith	750	750	875	875	No	875	No
15 RCNY 12-06(a)(5), 15 RCNY 12-06(a)(6)	BA6A	Failure to have proper emission control systems	install proper emission controls - 30 days	No	750	875	875	No	875	No
15 RCNY 12-06(b)	BA7A	Failure to remove equipment from service	Remove equipment - forthwith	No	750	875	875	No	875	No
15 RCNY 12-06(b)	BA8A	Failure to properly replace, retrofit, or convert equipment	Replace, retrofit, or convert equipment - 30 days	No	750	875	875	No	875	No

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15 RCNY 12-06(b)	BA9A	Fugitive emission greater than 50 ppm	Control fugitive emissions - 30 days	No	750	875	875	No	875	No
15 RCNY 12-07(a), 15 RCNY 12-07(b)	BA1B	Failure to inspect or self-monitor	Start inspection or self monitoring - forthwith	750	750	875	875	No	875	No
15 RCNY 12-07(g)	BA2B	Failure to repair leak w/in 24 hrs.	Repair leak - forthwith	750	750	875	875	No	875	No
15 RCNY 12-08	BA3B	Failure to comply with O&M requirements	Comply with O&M requirements - forthwith	750	750	875	875	No	875	No
15 RCNY 12-08(d)(7)	BA4B	Failure to have proper spill control equipment	Install spill control equipment - 30 days	750	750	875	875	No	875	No
15 RCNY 12-08(d)(8)	BA5B	Failure to keep solvent containers closed	Close solvent containers - forthwith	750	750	875	875	No	875	No
15 RCNY 12-10	BA6B	Failure to properly manage hazardous waste	Manage hazardous waste - forthwith	750	750	875	875	No	875	No
15 RCNY 12-11(a)	BA7B	Failure to seal floor drains	Seal floor drains - 30 days	750	750	875	875	No	875	No
15 RCNY 12-11(b)	BA8B	Failure to install proper spill containment system	Install proper spill containment system - 30 days	750	750	875	875	No	875	No
15 RCNY 12-11(c)	BA9B	Failure to report release, fire or explosion		750	750	875	875	No	875	No
15 RCNY 12-11(d)	BA1C	Failure to record emergency response actions		400	400	875	500	No	500	No
15 RCNY 12-12	BA2C	Failure to maintain proper records	Commence maintaining proper records - forthwith	400	400	875	500	No	500	No
15 RCNY 12-13	BA3C	Installation of uncertified equipment	Remove uncertified equipment - forthwith	750	750	875	875	No	875	No

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15 RCNY 12-14(a)(1)	BA4C	Failure to have owner or manager certification	Register for certification course within - 60 days	750	750	875	875	No	875	No
15 RCNY 12-14(a)(2)	BA5C	Failure to have operator certification	Register for certification course within - 60 days	750	750	875	875	No	875	No
15 RCNY 12-15(a)	BA6C	Failure to submit notice of alteration or modifications	Submit notices within - 14 days	400	400	875	500	No	500	No
15 RCNY 12-15(b)	BA7C	Failure to have work permit or operating certificate	File for work permit or operating certificate within - 14 days	750	750	875	875	No	875	No
15 RCNY 12-16	BA8C	Failure to have 3d. Party inspection	Obtain 3d. Party inspection within - 14 days	750	750	875	875	No	875	No
15 RCNY 12-18	BA9C	Failure to post public notice in conspicuous location	Post public notice in a conspicuous location - forthwith	400	400	875	500	No	500	No
15 RCNY 12	BA1D	Failure to comply with perc dry cleaner rule	Comply with perc drycleaner rule - forthwith	No	750	875	875	No	875	No
NYC Admin. Code Title 24	BA99	Misc. Violation of Air Pollution Control Code		350	350	875	545	545	545	545

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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

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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

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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