

HAZARDOUS MATERIALS

Section of Law	ECB Computer Code	Violation Description	1st Offense Penalty	2nd Offense Penalty	Mitigating Factors (Cumulative)	Aggravating Factor (Cumulative, up to a total penalty of \$10,000)	Default
24-609(b)	AHZ1	Failed to comply with notification requirements upon release of hazardous substance	\$4,000	\$9,000	1. Subtract \$500, if telephone within 24 hours. Telephone notification shall be found where respondent provided DEP with all of the telephone notification requirements as provided in 15 RCNY 11-03(b) within 24 hours of when respondent knows or has reason to know of a release.	1. Add \$2,500, if release occurred within 1,000 feet of any of the following: residence district as defined by the New York City Zoning Resolution; school, highway, parkway or any other three lane roadway; environmentally sensitive area*; hazardous/toxic substance(s) industry/facility required to file under the New York City Community Right-to-know Law, Title 24 Chapter 7 of the New York Administrative Code.	\$10,000
					2. Subtract \$500, if respondent did provide written notification. Written notification shall be found where respondent provided DEP with all of the written notification requirements as provided in 15 RCNY 11-03 (c).	2. Add \$2,500, if amount of release was equal to or greater than twice the Reportable Quantity.	
					3. Subtract \$1000, if began abating release within 3 hours of when respondent knew or had reason to know of a release.	3. Add \$2,500, if release caused actual injury to wildlife and/or human health.	
						4. Add \$2,500 if willful or intentional release of the listed hazardous substance.	
24-610(c)	AHZ2	Willfully violated or failed or refused to comply with Commissioner's Order	\$3,000	\$4,500	1. Subtract \$1,000, if complied with that portion of Scope of Work Order relating to securing of premises/building.	1. Add \$1,500, if failed to comply with that portion of Scope of Work Order relating to Bills of Lading and Hazardous Waste Manifests.	\$10,000
					2. Subtract \$500, if complied with that portion of Scope of Work Order relating to identification of all hazardous substances.	2. Add \$1,500, if total non-compliance, i.e. failed to comply with any part of Commissioner's Order. (In such cases, there could be no mitigating factors.)	