

Rules of the City of New York -
Title 15
Department of Environmental Protection

§31-102 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 §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 §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 §24-163.

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

Air Code Penalty Schedule						
Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsequent Offense	2nd / 3rd & Subsequent Stipulation	Default
24-108(f)	Location of key to boiler room not posted or no key on premises	350	350	545	545	875
24-109(b)(1)	Spraying insulation material w/o registration.	1,040	1,040	1,615	1,615	2,600
24-109(b)(2)	Building demolition w/o registration	1,040	1,040	1,615	1,615	2,600
24-109(b)(3)	Unregistered fuel burning equipment—#4 or #6 oil.	560	560	870	870	1,400
		*(300)				
24-109(b)(4)	Unregistered fuel burning equipment -#2 oil or natural gas	700	700	1,085	1,085	1,750
		*(350)				
24-109(f)	Operating emission source with expired registration	350	350	545	545	875

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsquent Offense	2nd / 3rd & Subsquent Stipulation	Default
24-111	Interference/obstruction of DEP personnel	700	700	1,085	1,085	1,750
24-112	Making/filing false or misleading statements/documents	700	No	1,085	No	1,750
24-113(a)	Permits, certificate, or registration not displayed	120	120	185	185	300
24-113(c)	No display of notice required for equipment using residual oil	120	120	185	185	300
24-117	Unauthorized discontinuance of refuse burning equipment	350	350	545	No	875
24-118	Installation of refuse burning equip. non-municipal, greater than 25sq. ft.	8,000	No	12,400	No	20,000
24-118	Installation of refuse burning equip. non-municipal, less than 25sq. ft	2,400	No	3,720	No	6,000
24-119(a)	Failure to provide refuse compactor	1,600	No	2,480	No	4,000
24-120	Equipment installed/alterd w/out work permit	Sch.	Sch.	Sch.	No	Sch.
		E, F, G	E, F, G	E, F, G		E, F, G
24-122(b)(1)	Operating fuel burning equipment w/out an operating certificate	Sch. E	Sch. E	Sch. E	No	Sch. E
24-122(b)(2)	Operating manufacturing equipment w/out an operating certificate	Sch. F	Sch. F	Sch. F	No	Sch. F
24-122(b)(3)	Operating portable powered equipment w/out an operating certificate	Sch. E	Sch. E	Sch. E	No	Sch. E
24-122(b)(4)	Operating refuse burning equipment w/out an operating certificate	Sch G	Sch. G	Sch. G	No	Sch. G
24-122(b)(5)	Operating equipment w/out required operating certificate	Sch.	Sch.	Sch.	No	Sch.
		E, F, G	E, F, G	E, F, G		E, F, G
24-123(e)	Operating w/out renewal of expired operating certificate	350	350	545	No	875
24-141	Emission of air contaminant equipment requiring O.C. or registration	Sch E, F, G	Sch.	Sch.	Sch.	Sch.
		*(350)	E, F, G	E, F, G	E, F, G	E, F, G
24-141	Emission of air contaminant from unregulated source	400	400	620	620	1,000
24-142(a)	Emission of air contaminant (smoke)	Sch E, F, G	Sch.	Sch.	Sch.	Sch.
		*(350)	E, F, G	E, F, G	E, F, G	E, F, G
24-142	Emission of air contaminant from unregulated equipment	350	350	545	545	875
24-143	Emission of air contaminant from motor vehicle (Diesel)	350	350	545	545	875
24-144	Emission of sulphur compounds	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-145	Emission of particulates from refuse or fuel burning equipment	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsequent Offense	2nd / 3rd & Subsequent Stipulation	Default
24-146(a)	Particulate matter allowed to become airborne	700	700	1,085	1,085	1,750
24-146(b)	Asbestos spraying w/out permit	4,800	No	7,440	No	12,000
24-146(c)	Particulate emissions from construction activity	700	700	1,085	1,085	1,750
24-146(d)	Particulate emissions from untreated open areas	560	560	870	870	1,400
24-146(e)	Spraying of insulation material w/o proper required precaution	700	700	870	870	1,750
24-146(f)	Failure to take required precautions during demolition	1,200	1,200	1,860	1,860	3,000
24-147	Emission of air contaminant nitrogen oxides from boiler	1,400	1,400	2,170	2,170	3,500
24-148	Sale or use of photo-chemical solvents	1,050	1,050	1,630	1,630	2,625
24-149	Caused or permitted air contaminant from open fire	350	350	545	545	875
24-150	Smoking in elevator/failure to post no smoking sign	200	200	310	310	500
24-151	Concealing or masking of air contaminant emission	1,400	1,400	2,170	2,170	3,500
24-153	Air contaminant emission exceeding environmental rating	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-154	Failure to file environmental rating report	350	350	545	545	875
24-155	Improper maintenance of equipment requiring O.C. or registration	Sch E, F, G	Sch.	Sch.	Sch.	Sch.
		*(350)	E, F, G	E, F, G	E, F, G	E, F, G
24-155	Failure to maintain unregulated equipment	350	350	545	545	875
24-156	Use of equipment w/out required apparatus	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-159	Use of burning equipment by person w/out a certificate of fitness	350	350	545	545	875
24-160	No air contaminant recorder for boiler	Sch E	Sch E	Sch E	Sch E	Sch E
24-161	Operating fuel burning equipment w/out certificate of instruction	350	350	545	545	875
24-162(a)	Operating Refuse burning equipment at unauthorized times	Sch G	Sch G	Sch G	Sch G	Sch G
24-162(c)	Operation of discontinued refuse burning equipment	Sch G	Sch G	Sch G	Sch G	Sch G
24-163	Idling of Diesel Motor Vehicle engine over three minutes	350	350	2nd Off.:	2nd Off.:	1st Off: 1,000
				545	545	2nd Off: 1,500
				3rd & subsq.	3rd & subsq.	3rd & subsq.
				Off: 740	Off: 740	Off: 2,000

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsequent Offense	2nd / 3rd & Subsequent Stipulation	Default
24-164	Operating soot blower of vessel in city waters	700	700	1,085	1,085	1,750
24-165	Failure to use air contaminant detector/recording as required	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-166	Use of inadequate combustion shut-off device	350	350	545	545	875
24-167	Improper use of equipment or apparatus	350	350	545	545	875
24-168	Use of improper fuel in fuel burning equipment	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-169(c)	Use/purchase, for regulated equipment, of fuel with excess sulphur	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-169	Use/purchase, for unregulated equipment of fuel with excess sulphur	350	350	545	545	875
24-169	Sale, offer, storage or transport of fuel with excess sulphur content	2,400	2,400	3,720	3,720	6,000
24-173	Improper use of solid fuel in fuel burning equipment	Sch E	Sch E	Sch E	Sch E	Sch E
24-174(a)	Sale, offer, transport or storage of gasoline with excessive lead content	1,060	1,060	1,645	1,645	2,650
24-174(b)	Use or purchase of gasoline with excessive lead content	350	350	545	545	875
24-175(a)	Sale, offer, store, transport or storage of gasoline exceeding volatility limits	1,060	1,060	1,645	1,645	2,650
24-175	Use or purchase of gasoline exceeding volatility limits	350	350	545	545	875
24-176	Failure to report shipment of fuel to NYC as required	350	350	545	545	875
24-178(b)(8)	Breaking a Board ordered seal	1,600	1,600	2,480	No	4,000
24-122(a)	Use or operation of equipment w/out an operating certificate	Sch.	Sch.	Sch.	Sch.	Sch.
		E, F, G	E, F, G	E, F, G	E, F, G	E, F, G
24-131	Failure to comply with conditions of certificate or permit	350	350	545	545	875
24-170	Failure to supply fuel supply information to the Commissioner	350	350	545	545	875
24-172	Excess volatile matter (by weight) in boiler fuel	350	350	545	545	875
24-177(a)	Fail to have required statement on fuel information ticket	350	350	545	545	875
24-177(b)	Failure to retain fuel information tickets by shipper	350	350	545	545	875
24-177(c)	Failure to retain fuel records for one year	350	350	545	545	875
24-131(c)	Failure to comply with Conditions of Certificate/Regulation of operation or Permit	265	265	400	400	875
24-143	Emission of Air contaminant from vehicle (non-diesel fuel)	300	300	460	460	875

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsequent Offense	2nd / 3rd & Subsequent Stipulation	Default
24-163	Idling of Motor Vehicle Engine over three minutes (non-diesel fuel)	300	300	2nd Off.:	2nd Off.:	1st Off: 1,000
				460	460	2nd Off: 1,500
				3rd & subsq.	3rd & subsq.	3rd & subsq.
				Off: 620	Off: 620	Off: 2,000
24-163.3(b)(1) Compliance: Use low sulfur fuel in non-road 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) Compliance: 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) Compliance: 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)	Made false claim regarding compliance with emission reduction requirements for diesel nonroad vehicles	20,000	20,000	20,000	20,000	20,000
24-163.3(o)	Made false claim regarding compliance with emission reduction requirements for diesel nonroad 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
24-108(e)	Refused access to authorized DEP employee	350	350	545	545	875
24-117(j)	Failure to cease operation of refuse burning equipment	875	No	875	No	875
24-125(c)	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)	No Stage 1 Vapor Collection System at Gas dispensing site	350	350	545	545	875
15 RCNY 4-03(a)(2)-3	Fail to maintain Stage 1 Vapor Collection and control system	350	350	545	545	875
15 RCNY 4-03(a)(2)(IV)	Fail to connect and operate vapor collection system loading and unloading at site	350	350	545	545	875
15 RCNY 4-03(a)(3)	No Stage 1 Vapor Recovery System Capacity at least 250 gallons	350	350	545	545	875
15 RCNY 4-03(b)	No certificate of registration for gasoline dispensing site	350	350	545	545	875
15 RCNY 4-04(a)(3)	No NYSDEC date for pressure test on gasoline transporting vehicle	350	350	545	545	875
15 RCNY 4-04©	Fail to keep dome covers closed on gas transport vehicle	350	350	545	545	875

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsequent Offense	2nd / 3rd & Subsequent Stipulation	Default
15 RCNY 4-04(d)(1)	No Stage 1 Vapor collect/control system on gasoline transport vehicle	350	350	545	545	875
15 RCNY 4-04(d)(2)	Fail to provide adequate training for operator of gasoline transport vehicle	350	350	545	545	875
15 RCNY 4-04(d)(3)	Failure to maintain Stage 1 vapor collection/control system on gas transport vehicle	350	350	545	545	875
15 RCNY 4-04(d)(4)	Failure to connect/operate vapor collection/control system on gas transport vehicle	350	350	545	545	875
15 RCNY 4-05	Failure to control visible leaks from vehicle vapor collection/control system	350	350	545	545	875
PERCHLOROETHYLENE DRY CLEANING FACILITIES						
15 RCNY 12-05(a)	Failure to install vapor barrier or room enclosure and general exhaust ventilation	750	No	No	875	875
15 RCNY 12-06(a)	Improper vapor barrier or room enclosure and general exhaust ventilation	750	750	875	No	875
15 RCNY 12-06(a)(4)(i)	Improper process emission point location	750	No	875	No	875
15 RCNY 12-06(a)(4)(iii)	Process emissions greater than 20 ppm	750	750	875	No	875
15 RCNY 12-06(a)(4)(iv)	Failure to properly operate exhaust damper	750	750	875	No	875
15 RCNY 12-06(a)(5), (6)	Failure to have proper emission control systems	750	No	875	No	875
15 RCNY 12-06(b)	Failure to remove equipment from service	750	No	875	No	875
15 RCNY 12-06(b)	Failure to properly replace, retrofit, or convert equipment	750	No	875	No	875
15 RCNY 12-06(b)	Fugitive emission greater than 50 ppm	750	No	875	No	875
15 RCNY 12-07(a),(b)	Failure to inspect or self-monitor	750	750	875	No	875
15 RCNY 12-07(g)	Failure to repair leak w/in 24 hrs.	750	750	875	No	875
15 RCNY 12-8	Failure to comply with O&M requirements	750	750	875	No	875
15 RCNY 12-08(d)(7)	Failure to have proper spill control equipment	750	750	875	No	875
15 RCNY 12-08(d)(8)	Failure to keep solvent containers closed	750	750	875	No	875
15 RCNY 12-10	Failure to properly manage hazardous waste	750	750	875	No	875
15 RCNY 12-11(a)	Failure to seal floor drains	750	750	875	No	875
15 RCNY 12-11(b)	Failure to install proper spill containment system	750	750	875	No	875
15 RCNY 12-11(c)	Failure to report release, fire or explosion	750	750	875	No	875
15 RCNY 12-11(d)	Failure to record emergency response actions	400	400	500	No	875

Section	Description	1st Offense	1st Stipulation	2nd / 3rd & Subsquent Offense	2nd / 3rd & Subsquent Stipulation	Default
15 RCNY 12-12	Failure to maintain proper records	400	400	500	No	875
15 RCNY 12-13	Installation of uncertified equipment	750	750	875	No	875
15 RCNY 12-14(a)(1)	Failure to have owner or manager certification	750	750	875	No	875
15 RCNY 12-14(a)(2)	Failure to have operator certification	750	750	875	No	875
15 RCNY 12-15(a)	Failure to submit notice of alteration or modifications	400	400	500	No	875
15 RCNY 12-15(b)	Failure to have work permit or operating certificate	750	750	875	No	875
15 RCNY 12-16	Failure to have 3d. Party inspection	750	750	875	No	875
15 RCNY 12-18	Failure to post public notice in conspicuous location	400	400	500	No	875
15 RCNY 12	Failure to comply with perc drycleaner rule	750	No	875	No	875
NYC Admin. Code. Title 24, Ch. 1	Misc. Violation of Air Pollution Control Code	350	350	545	545	875