

§3-101 Air Asbestos Penalty Schedule

AIR ASBESTOS PENALTY SCHEDULE

If a stipulation is offered and accepted at a hearing, the stipulation (stip.) penalty will be imposed.

Unless otherwise indicated, all citations are to 15 RCNY Chapter 1.

A second violation is a violation by the same respondent within two years, for an infraction within the same category as the prior infraction. (Categories are defined by description subheadings on this schedule, e.g., "Notification.")

The default penalty for all charges in this Penalty Schedule is \$10,000.

SECTION	DESCRIPTION	1ST VIOLATION		2ND VIOLATION	
		Penalty	STIP.	Penalty	STIP.
1-01(e) BX01	Knowingly made a false statement or submitted a false document to DEP	2400	1500	4800	3000
1-01(g) BX02	Interfered with or obstructed DEP personnel	2400	1500	4800	3000
1-01(f) BX03	Did not permit DEP inspection of Asbestos Project/Abatement Activities	2400	1500	4800	3000
1-01(c) BX04	Failure of Asbestos Handler Supervisor to comply with all provisions of Asbestos Rules	1200	1000	2400	1500
1-01(H) BX9E	Unprofessional Conduct	1200	1000	2400	1500
ASBESTOS INVESTIGATION CERTIFICATE					
1-16(a)(1) BX1F	Conduct of building survey and hazard assessment without DEP certification	2400	1500	4800	3000
1-16(a)(3) BX9F	Failure to collect bulk samples as specified	2400	1500	4800	3000
1-16(H) BX1G	Failure to sign/affix valid investigators seal to plan report as required	1200	1000	2400	1500
1-21(a) BX1H	Failed to comply with reporting and filing requirements	2400	1500	4800	3000
1-21(b) BX1I	Failed to calculate project size and scope as required	2400	1500	4800	3000
NOTIFICATION					
1-22(b) BX1J	Failure to submit required certification to Buildings Department	2400	1500	4800	3000

1-23(c) BX1O	Failure to file required Asbestos Assessment Report (ACP-5) with Buildings Dept.	2400	1500	4800	3000
1-25(c) BX1R	Failed to file Asbestos Project Notification 7 days before work starts	2400	1500	4800	3000
1-25(d) BX1S	Failed to notify DEP in writing of any change in project notification	1200	1000	2400	1500
1-27(b) BX1T	Failure to immediately notify DEP of emergency project as required	2400	1500	4800	3000
1-27(c) BX1U	Failure to notify DEP in writing of emergency project within 48 hours	2400	1500	4800	3000

PERMITTING

1-26(A) BX9G	Failure to obtain asbestos abatement permit when required	4800	3000	9600	6000
1-26(c)(3) BX9H	Failure to maintain/provide record of final inspection	2400	1500	4800	3000
1-26(E) BX9I	Failed to terminate asbestos abatement permit w/in 1 yr of issuance	4800	3000	9600	6000
1-26(F) BX9J	Failure to maintain required insurance during work--permitted work	1200	1000	2400	1500
1-26(H) BX9K	Commencement of permitted work prior to permit issuance	1200	1000	2400	1500

RECORDKEEPING REQUIREMENTS FOR INVESTIGATOR

1-28(a) BX1V	Failure to maintain permanent records of Asbestos surveys as required	2400	1500	4800	3000
1-28(b) BX1W	Failure to compile complete records of Asbestos survey as required	1200	1000	2400	1500

1-28(c) BX1Y	Failure to properly record work by non-certified individual as required	1200	1000	2400	1500
1-28(d) BX1Z	Failure to maintain records of Asbestos surveys for 30 years	1200	1000	2400	1500
1-28(e) BX10	Failure to make Asbestos survey records available for inspection by DEP	2400	1500	4800	3000
PROJECT RECORD & PROJECT SUMMARY					
1-29(a) BX9L	Failure to properly maintain project record	1200	1000	2400	1500
1-29(b) BX9M	Failure to properly maintain project summary	1200	1000	2400	1500
1-29(C) BX9N	Failure to make project record or project summary available for inspection in a timely manner	1200	1000	2400	1500
AIR MONITORING					
1-36(a) BX12	Failure to retain independent third party Air Monitor	4800	3000	9600	6000
1-36(b) BX9O	Failure to have technician present during air sample collection	1200	1000	2400	1500
1-36(c) BX13	Use of lab without required qualifications to perform bulk sample analysis	2400	1500	4800	3000
1-36(d) BX14	Use of lab without required qualifications to perform air sample analysis	2400	1500	4800	3000
1-36(E) BX15	Employment of unqualified analyst to perform air sample analysis (TEM)	2400	1500	4800	3000
1-37(a) BX16	Failed to perform bulk sampling as required	1200	1000	2400	1500
1-37(b) BX17	Failed to utilize area Air sampling equipment for PCM per 60 NIOSH 7400	1200	1000	2400	1500
1-37(c) BX2A	Failed to utilize area Air sampling equipment for TEM as required	1200	1000	2400	1500
1-37(D) BX9P	Failure to use appropriate air sampling pump calibrated by rotometer	1200	1000	2400	1500

1-37(E) BX9Q	Failure to properly inspect air sampling equipment	1200	1000	2400	1500
1-37(F) BX9R	Failure to create/maintain air sampling log	2400	1500	4800	3000
1-41(a) BX2B	Failed to conduct Air sampling in accordance with required schedule	4800	3000	9600	6000
1-41(b) BX2C	Failed to conduct Pre-Abatement Air sampling as required	1200	1000	2400	1500
1-41(c) BX2D	Failed to conduct Air sampling during abatement as required	2400	1500	4800	3000
1-41(d) BX2E	Failure to conduct Post-Abatement Air monitoring as required	2400	1500	4800	3000
1-42(a) BX2F	Utilization of improperly located air samplers	1200	1000	2400	1500
1-42(b) BX2G	Failed to locate ambient samplers properly	1200	1000	2400	1500
1-42(c) BX2I	Failed to have a chain of custody record for air samples	2400	1500	4800	3000
1-42(d) BX2J	Failed to follow specified area sampling schedule for air monitoring	2400	1500	4800	3000
1-42(e) BX2K	Failed to conduct air sampling for small projects as required	2400	1500	4800	3000
1-43(a) BX2L	Failed to confirm absence of visible ACM before final air monitoring	2400	1200	4800	2400
1-43(b) BX2M	Failed to properly place required number of samples in work area	1200	1000	2400	1500
1-43(c) BX2N	Failed to properly place samples outside work area	1200	1000	2400	1500
1-43(d) BX2O	Failed to conduct aggressive sampling according to required procedures	2400	1500	4800	3000
1-43(e) BX2P	Area Air samples did not meet schedules for Post-Abatement monitoring	2400	1500	4800	3000
1-43(f) BX2Q	Failed to reclean and re-sample in areas that failed clearance as required	2400	1500	4800	3000

1-43(g) BX2R	Failed to meet release criteria for any independent work area	2400	1500	4800	3000
1-44(a) BX2S	Failed to analyze and report PCM area Air samples as required	2400	1500	4800	3000
1-44(b) BX2U	Failed to analyze and report TEM area Air samples as required	2400	1500	4800	3000
1-44(c) BX2V	Failed to analyze and report bulk sample as required	1200	1000	2400	1500
1-44(d) BX2W	Failed to submit bulk/Air sampling results w/in 5 days of DEP request	2400	1500	4800	3000
1-45(a) BX2X	Failed to follow proper procedures when action criteria exceeded	4800	3000	9600	6000
1-45(b) BX2Y	Failed to meet clearance and/or reoccupancy criteria	2400	1500	4800	3000

WORKER PROTECTION REQUIREMENTS

1-51(a) BX2Z	Employed uncertified workers on an Asbestos project	4800	3000	9600	6000
1-51(b) BX21	Failed to have supervisor present during abatement activities	4800	3000	9600	6000
1-51(c) BX22	Allowed persons inside work place w/out proper protective clothing	4800	3000	9600	6000
1-51(d) BX23	Failed to perform personal Air monitoring as per OSHA standards	2400	1500	4800	3000
1-51(e) BX25	Failed to meet personal hygiene requirements at work site	1200	1000	2400	1500
1-51(f) BX26	Failed to have required info at work place	2400	1500	4800	3000
1-51(g) BX27	Failed to post Asbestos warning signs at all approaches to work place	2400	1500	4800	3000
1-51(h) BX28	Failed to affix required warning labels to all ACM waste containers	2400	1500	4800	3000

MATERIALS AND EQUIPMENT

1-61(a) BX30	Did not properly store replacement materials outside work area as required	2400	1500	4800	3000
1-61(b) BX3P	Used replacement materials which did not comply with NYC Code and regulations	1200	1000	2400	1500

1-61(c) BX3Q	Failed to use plastic of 6-mil thickness or greater for plasticizing	2400	1500	4800	3000
1-61(d) BX3R	Used duct tape and/or adhesive incapable of properly sealing plastic	2400	1500	4800	3000
1-61(e) BX3S	Failed to use and/or label 6-mil bags or containers for ACM as required	2400	1500	4800	3000
1-61(f) BX3T	Failed to enclose ACM in airtight manner with impact resistant material	2400	1500	4800	3000
1-61(g) BX3V	Failed to use HEPA filtration as required on power tools	1200	1000	2400	1500
1-61(h) BX3W	Failed to provide ladders/scaffolds and/or seal joints/ends of same	2400	1500	4800	3000
1-61(i) BX3Y	Failed to use UL listed and approved electrical equipment	1200	1000	2400	1500
1-61(J) BX9S	Failure to use non-carcinogenic/non-toxic chemicals	4800	3000	9600	6000
1-61(K) BX9T	Failure to use non-combustible/fire-retardant materials	4800	3000	9600	6000
1-61(L) BX32	Failure to obtain DEP approval for substitute equipment/material	1200	1000	2400	1500
GENERAL WORK PLACE PREPARATION- LARGE PROJECT					
1-81(a) BX34	Failed to post notice of Asbestos project as specified	1200	1000	2400	1500
1-81(B) BX9U	Failure to post floor plan as specified	1200	1000	2400	1500
1-81(C) BX35	Failure to vacate work place prior to and during abatement activities	4800	3000	9600	6000
1-81(D) BX36	Failure to provide power from outside the work area thru GFI at source	4800	3000	9600	6000
1-81(E) BX39	Failure to install worker and/or waste decon in required sequence	4800	3000	9600	6000
1-81(F) BX4B	Failure to limit disturbance of ACM before erecting partition as required	2400	1500	4800	3000
1-81(G) BX4C	Failure to lockout/isolate heating/ventilation/Air conditioning system	4800	3000	9600	6000

1-81(H) BX4D	Commencement of abatement prior to completion of work place preparation	4800	3000	9600	6000
1-81(I) BX4E	Failure to properly pre-clean and remove movables and/or cover carpet	1200	1000	2400	1500
1-81(J) BX9V	Failure to remove flammables/extinguish ignition sources	2400	1500	4800	3000
1-81(K) BX4F	Failure to properly pre-clean and plasticize fixed objects in work area	1200	1000	2400	1500
1-81(L) BX9W	Failure to use temporary emergency lighting when required	1200	1000	2400	1500
1-81(M) BX4G	Failure to properly pre-clean the work area prior to plasticizing	2400	1500	4800	3000
1-81(N) BX4H	Failure to install isolation barriers over all openings to work place	4800	3000	9600	6000
1-81(O) (1)-(3) BX4I	Failure to segregate work area from work site with partitions as required	4800	3000	9600	6000
1-81(O) (4)-(5) BX9X	Failure to construct partitions to ensure unobstructed means of egress	4800	3000	9600	6000
1-81(P) BX4J	Failure to properly seal floors and walls with 2 layers of 6-mil plastic	4800	3000	9600	6000
1-81(Q) BX4K	Failure to remove/clean ceiling-mounted objects not previously sealed	1200	1000	2400	1500
1-81(R) BX4L	Removal of contaminated ceiling tiles prior to full work area preparation	2400	1500	4800	3000
1-81(S) BX4N	Failure to lock entrances not used for workers or as emergency exits	2400	1500	4800	3000
1-81(T) BX9Y	Failure to properly maintain/check exits	4800	3000	9600	6000
1-81(U) BX9Z	Failure to post/maintain exit signs in work area	1200	1000	2400	1500
1-81(V) BX0A	Failure to post/maintain no smoking signs in work place	1200	1000	2400	1500
1-81(W) BX4O	Failure to properly seal and/or cover floor drains, pits, sumps, etc.	1200	1000	2400	1500
1-81(X) BX4P	Failure to maintain, secure, lockout elevators running thru work area	4800	3000	9600	6000

1-81(Y) BX4Q	Failure to provide adequate toilet facilities in vicinity of clean room	1200	1000	2400	1500
1-81(Z) BX0B	Failure to have fire extinguisher(s) in work place	1200	1000	2400	1500

**WORKER DECONTAMINATION ENCLOSURE -
LARGE PROJECT**

1-82(a) BX4R	Failed to provide or locate worker decon outside work area as required	4800	3000	9600	6000
1-82(b) BX4S	Failed to construct worker decon as specified	4800	3000	9600	6000
1-82(c) BX4T	Failed to fully line worker decon with 2 layers of opaque 6-mil plastic	2400	1500	4800	3000
1-82(d) BX4U	Failed to secure/weatherproof outside or publicly accessible decon	2400	1500	4800	3000
1-82(e) BX4V	Failed to provide proper prefabricated or trailer worker decon	1200	1000	2400	1500
1-82(f) BX4W	Failed to construct and/or maintain clean room as required	1200	1000	2400	1500
1-82(g) BX4X	Failed to install and/or maintain shower room as required	2400	1500	4800	3000
1-82(h) BX4Z	Failed to provide shower filtration system as specified	2400	1500	4800	3000
1-82(i) BX40	Failed to properly use or maintain equipment room	1200	1000	2400	1500

**WASTE DECONTAMINATION ENCLOSURE
SYSTEM - LARGE PROJECT**

1-83(a) BX41	Failed to properly construct waste decon as specified	4800	3000	9600	6000
1-83(b) BX42	Failed to locate/install waste/worker decon where 1 exit exists	2400	1500	4800	3000
1-83(c) BX43	Failed to construct waste decon in accordance with requirements of 1-82	2400	1500	4800	3000

**COMBINED WORKER/WASTE DECON—
SMALL PROJECT**

1-84(a) BX0C	Failure to properly construct alternative worker/waste decon for small project	4800	3000	9600	6000
1-84(B) BX0D	Failure to properly utilize alternative worker/waste decon for small project	4800	3000	9600	6000

ENGINEERING CONTROLS - LARGE PROJECT

1-91(a) BX44	Failed to utilize negative pressure ventilation equipment	4800	3000	9600	6000
1-91(A)(1) BX0E	Failure to use manometer to document pressure differential	1200	1000	2400	1500
1-91(b) BX45	Failed to use negative pressure ventilation equipment 24hrs/day	4800	3000	9600	6000
1-91(c) BX46	Did not maintain static negative Air pressure of 0.02 in. water column	4800	3000	9600	6000
1-91(d) BX47	Failed to turn on negative Air units 1 by 1 to check barrier integrity	2400	1500	4800	3000
1-91(e) BX48	Failed to use dedicated power supply for negative Air units	2400	1500	4800	3000
1-91(F) BX0F	Failure to utilize/properly locate negative air cutoff switch	4800	3000	9600	6000
1-91(G) BX49	Failure to follow procedures for loss of power to negative Air units	4800	3000	9600	6000
1-91(H) BX5A	Failure to provide required Air changes in work area	2400	1500	4800	3000
1-91(I) BX5B	Failure to make openings for negative Air units airtight	1200	1000	2400	1500
1-91(J) BX5C	Use of negative Air units not in compliance w/ANSI 9.2. Standards	4800	3000	9600	6000
1-91(K) BX5D	Operation of negative Air system contrary to EPA report 560/5-85 (1985)	4800	3000	9600	6000
1-91(L) BX5E	Failure to exhaust negative Air units to outside as required	2400	1500	4800	3000
1-91(M) BX5F	Failure to properly use second negative Air unit in series as required	2400	1500	4800	3000
1-91(O) BX5G	Failure to smoke test/inspect/monitor ducts to ensure no fiber release	1200	1000	2400	1500

WORK PLACE ENTRY AND EXIT PROCEDURES - LARGE PROJECT

1-92(a) BX5H	Failed to ensure proper work place entrance procedures are followed	2400	1500	4800	3000
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1-92(b) BX5I	Failed to ensure that proper work area exit procedures are followed	4800	3000	9600	6000
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EQUIP/WASTE CONTAINER DECON & REMOVAL PROC. LARGE PROJECT

1-93(a) BX5J	Permitted storage of ACM/carts in clean room when used as holding area	1200	1000	2400	1500
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1-93(b) BX5K	Improperly removed waste while workers used combined decon system	1200	1000	2400	1500
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1-93(c) BX5L	Improper worker transit during waste transfer in combined decon	1200	1000	2400	1500
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1-93(d) BX5M	Did not clean ACM container/equipment properly before transfer into decon	1200	1000	2400	1500
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1-93(e) BX5N	Failed to properly bag/package containerized ACM waste and equipment	1200	1000	2400	1500
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1-93(f) BX5O	Improper washroom transit of workers prior to end of waste removal	1200	1000	2400	1500
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1-93(g) BX5P	Failed to properly remove waste and equipment from airlock to holding area	1200	1000	2400	1500
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1-93(h) BX5Q	Failed to use/clean waste storage carts as required	1200	1000	2400	1500
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1-93(i) BX5R	Failed to secure exit from waste decontamination system	1200	1000	2400	1500
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1-93(j) BX5S	Failed to store waste storage carts in worksite holding area	1200	1000	2400	1500
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MAINTENANCE OF DECON SYSTEM AND BARRIERS-LARGE PROJECT

1-94(a) BX5T	Failed to inspect plastic barriers and partitions twice per shift	1200	1000	2400	1500
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1-94(b) BX5U	Failed to smoke test plastic barriers and decon twice daily	1200	1000	2400	1500
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1-94(c) BX5V	Failed to immediately repair damage or defects in decon	2400	1500	4800	3000
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1-94(d) BX5W	Failed to follow proper procedure upon fiber release or barrier damage	4800	3000	9600	6000
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1-94(e) BX5X	Failed to document specified events in daily projects log	1200	1000	2400	1500
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1-94(f) BX8K	Failed to document daily inspection to ensure exits have been checked against blockage	2400	1500	4800	3000
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1-94(g) BX8L	Failed to stop abatement activities if exits are found blocked	4800	3000	9600	6000
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ACM ABATEMENT PROCEDURES

1-102(a) BX5Y	Performed dry removal of ACM without EPA and/or DEP approval	4800	3000	9600	6000
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1-102(b) BX5Z	Failed to sufficiently wet down ACM for enhanced penetration	4800	3000	9600	6000
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1-102(c) BX50	Failed to properly apply removal encapsulant as per federal guidelines	1200	1000	2400	1500
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1-102(d) BX51	Failed to bag ACM directly upon detachment from substrate as specified	2400	1500	4800	3000
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1-102(e) BX52	Failed to properly wet, wrap and secure large components of ACM	2400	1500	4800	3000
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1-102(f) BX53	Failed to remove all visible ACM residue from abated surfaces	2400	1200	4800	2400
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ENCAPSULATION PROCEDURES

1-103(a) BX55	Failure to utilize proper material for encapsulation/repair of ACM	1200	1000	2400	1500
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1-103(b) BX56	Failed to properly remove loose or hanging ACM before encapsulation	1200	1000	2400	1500
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1-103(c) BX57	Failed to use acceptable pigmented encapsulant	1200	1000	2400	1500
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1-103(d) BX57	Used encapsulant solvent or vehicle containing volatile hydrocarbon	1200	1000	2400	1500
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1-103(e) BX59	Improperly used latex paint as encapsulant	1200	1000	2400	1500
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1-103(f) BX6A	Failed to properly field test encapsulant prior to use	1200	1000	2400	1500
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1-103(g)	Failed to apply required thickness of bridging	1200	1000	2400	1500
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BX6B	encapsulant over ACM				
1-103(h) BX6C	Failed to use a different color for each coat of encapsulant	1200	1000	2400	1500
1-103(i) BX6D	Failed to properly apply penetrating encapsulant to ACM	1200	1000	2400	1500
1-103(j) BX6E	Failed to apply encapsulant with airless spray equipment as specified	1200	1000	2400	1500
1-103(k) BX6F	Failed to properly identify encapsulated ACM	2400	1500	4800	3000

ENCLOSURE PROCEDURE

1-104(a) BX6G	Did not properly remove loose/hanging ACM before installing enclosure	2400	1500	4800	3000
1-104(b) BX6H	Failed to properly repair areas damaged during enclosure procedure	1200	1000	2400	1500
1-104(c) BX6I	Failed to properly lower/remove/replace utilities service components	1200	1000	2400	1500
1-104(d) BX6J	Failed to properly identify enclosed ACM	2400	1500	4800	3000

GLOVEBAG PROCEDURES

1-105(a) BX6K	Failed to properly conduct glovebag procedures	4800	3000	9600	6000
1-105(b)(1) BX6M	Failed to bring tools/materials into work area before glovebag begins	2400	1500	4800	3000
1-105(b)(2) BX6N	Failed to conduct Air monitoring during glovebag procedure as required	2400	1500	4800	3000
1-105(b)(3) BX6O	Failed to have trained/equipped workers to conduct glovebag procedures	2400	1500	4800	3000
1-105(b)(4) BX6P	Failed to use properly sized glovebag for diameter of insulation	2400	1500	4800	3000

1-105(b)(5) BX6Q	Failed to wet ACM prior to stripping during glovebag procedure	4800	3000	9600	6000
1-105(b)(6) BX6R	Failed to properly attach glovebag to insulation	4800	3000	9600	6000
1-105(b)(7) BX6S	Failed to smoke test glovebag as required	2400	1500	4800	3000
1-105(b)(8) BX6T	Failed to properly seal adjacent insulation during glovebag procedure	2400	1500	4800	3000
1-105(b)(9) BX6U	Failed to properly clean/wet surface, tools, etc. before glovebag is moved	2400	1500	4800	3000
1-105(b)(10) BX6V	Failed to properly seal insulation ends	2400	1200	4800	3000
1-105(b)(11) BX60	Failed to properly remove tools/tool pouch from glovebag	2400	1500	4800	3000
1-105(b)(12) BX61	Failed to use HEPA vacuum to evacuate glovebag or for clean up	2400	1500	4800	3000
1-105(b)(13) BX62	Failed to properly collapse or seal glovebag prior to bag removal	2400	1500	4800	3000
1-105(b)(14) BX63	Failed to properly double-bag and detach glovebag	2400	1500	4800	3000
1-105(b)(15) BX64	Failed to properly wet/bag, dispose of waste from glovebag procedure	2400	1500	4800	3000
1-105(D) BX0G	Failure to utilize glovebag within containment as specified	1200	1000	2400	1500

TENT PROCEDURES

1-106(a) BX65	Conducted tent procedures on 260 linear ft/160 sq. or more of ACM	2400	1500	4800	3000
1-106(b) BX66	Failed to properly install and/or construct tent	2400	1500	4800	3000
1-106(C) BX0H	Failure to install airlock at tent entrance when required	2400	1500	4800	3000
1-106(D) BX9D	Failure to wear appropriate personal protective equipment during tent procedure	4800	3000	9600	6000
1-106(E) BX67	Failure to attach tent to surface to produce an airtight seal	2400	1500	4800	3000
1-106(F) BX68	Failure to provide/maintain proper negative Air in tent	1200	1000	2400	1500
1-106(G) BX69	Failure to use required wet removal methods during tent procedures	2400	1500	4800	3000
1-106(H) BX7A	Failure to place ACM removed in tent procedures in leaktight container	2400	1500	4800	3000
1-106(I) BX7B	Failure to properly clean/encapsulate enclosed surfaces in tent	2400	1500	4800	3000
1-106(J) BX7C	Failure to clean/encapsulate surfaces after tent failure/termination	2400	1500	4800	3000
1-106(K) BX7D	Failure to properly clean/double bag ACM for disposal as specified	2400	1500	4800	3000
1-106(L) BX7E	Failure to follow specified procedures for worker exit from tent	2400	1500	4800	3000
1-106(M) BX7F	Failure to have 4 Air changes after abatement but before tent collapse	2400	1500	4800	3000
1-106(N) BX7G	Failure to collapse tent or dispose of contaminated material as specified	2400	1500	4800	3000

1-106(O) Failure to follow proper glovebag procedure 1200 1000 2400 1500
 BX0I during removal in tent

ROOFING REMOVAL PROCEDURES					
1-107(a) BX0J	Failure to properly cordon off and restrict access to work area	1200	1000	2400	1500
1-107(b) BX0K	Failure to use proper foam or liquid during removal	2400	1500	4800	3000
1-107(c) BX0L	Failure to maintain blanket of foam or liquid during removal	2400	1500	4800	3000
1-107(d) BX0M	Failure to keep ACRM wet during bagging process	1200	1000	2400	1500
1-107(e) BX0N	Failure to ensure that all persons in work area wear proper boots	1200	1000	2400	1500
1-107(f) BX0O	Carrying out of abatement during adverse weather conditions	1200	1000	2400	1500
1-107(g) BX0P	Failure to properly locate worker/waste decons	1200	1000	2400	1500
1-107(h) BX0Q	Failure to remove or plasticize movable objects	1200	1000	2400	1500
1-107(i) BX0R	Failure to properly seal openings/ensure adequate air supply	1200	1000	2400	1500
1-107(j) BX0S	Failure to plasticize fixed objects as specified	1200	1000	2400	1500
1-107(k) BX0T	Failure to blanket roofing material w/foam before removal	2400	1500	4800	3000
1-107(l) BX0U	Failure to use HEPA filters on power tools used in removal	1200	1000	2400	1500

1-107(m) BX0V	Failure to properly conduct cleanup procedures	1200	1000	2400	1500
1-107(n) BX0W	Failure to conduct proper visual inspection	1200	1000	2400	1500
1-107(o) BX0X	Failure to remove all plastic sheeting after visual inspection	1200	1000	2400	1500
1-107(p) BX0Y	Failure to conduct required air monitoring	1200	1000	2400	1500
FLOORING REMOVAL PROCEDURES					
1-108(b) BX0Z	Failure to use proper foam or liquid during removal	2400	1500	4800	3000
1-108(c) BXA1	Failure to maintain blanket of foam or liquid during removal	2400	1500	4800	3000
1-108(d) BXA2	Failure to keep ACM wet during bagging process	1200	1000	2400	1500
1-108(e) BXA3	Failure to ensure that all persons in work area wear proper boots	1200	1000	2400	1500
1-108(f) BXA4	Failure to plasticize baseboards and walls as specified	1200	1000	2400	1500
1-108(g) BXA5	Failure to provide negative pressure ventilation	1200	1000	2400	1500
1-108(h) BXA6	Failure to properly conduct cleanup procedures	1200	1000	2400	1500
1-108(i) BXA7	Failure to conduct proper visual inspection	1200	1000	2400	1500

1-108(j) BXA8	Failure to remove all plastic sheeting after visual inspection	1200	1000	2400	1500
1-108(k) BXA9	Failure to conduct required air monitoring	1200	1000	2400	1500
VERTICAL SURFACE REMOVAL PROCEDURES					
1-109(a) BxB1	Failure to properly prepare work area	1200	1000	2400	1500
1-109(b) BxB2	Failure to construct decon within restricted area	1200	1000	2400	1500
1-109(c) BxB3	Failure to follow proper cleanup procedure	1200	1000	2400	1500
1-109(d) BxB4	Failure to conduct required air monitoring	1200	1000	2400	1500
CONTROLLED DEMOLITION PROCEDURES					
1-110(a) BxB5	Demolition of building w/ACM in place w/no danger of collapse	4800	3000	9600	6000
1-110(b) BxB6	Failure to provide copy of condemnation letter to DEP	1200	1000	2400	1500
1-110(c) BxB7	Failure to perform demolition as per AC 28-215/56 NYCRR 11.5	2400	1500	4800	3000

**PRELIMINARY CLEANUP PROCEDURES -
LARGE PROJECT**

1-111(a) BX7H	Failure to bag/wrap/containerize waste immediately upon removal	4800	3000	9600	6000
1-111(B) BX7J	Failure to properly clean waste decon on completion of waste removal	2400	1500	4800	3000
1-111(C) BX7K	Failure to properly clean worker decon when required	2400	1500	4800	3000
1-111(D) BX7L	Failure to stop work and dispose of excess water in work area	1200	1000	2400	1500

FINAL CLEAN-UP PROCEDURES

1-112(a) BX7O	Failed to HEPA vacuum all surfaces after removal of all visible ACM	1200	1000	2400	1500
1-112(b) BX7P	Failed to wet clean all surfaces in work area (first cleaning)	2400	1500	4800	3000
1-112(c) BX7Q	Failure to apply lockdown encapsulant as specified	2400	1500	4800	3000
1-112(d) BX7R	Failure to vacate area for 12 hrs. after 1 st cleaning	1200	1000	2400	1500
1-112(E) BxB8	Failure to remove 1 st layer of surface barriers	1200	1000	2400	1500
1-112(F) BxB9	Failure to properly perform 2 nd cleaning	2400	1500	4800	3000
1-112(G) BX7S	Failure to follow required procedures for third cleaning	1200	1000	2400	1500
1-112(H) BXC1	Failure to remove 2 nd layer of surface barriers	1200	1000	2400	1500
1-112(I) BX7T	Failure to verify absence of ACM prior to clearance Air monitoring	2400	1200	4800	2400
1-112(J) BX7U	Failure to remove containerized waste from work area as required	1200	1000	2400	1500
1-112(K) BX7V	Failure to properly decontaminate or dispose of tools, equipment, etc.	1200	1000	2400	1500
1-112(L) BX7W	Removal of isolation barriers before successful clearance Air monitoring	4800	3000	9600	6000
1-112(M) BXC2	Failure to submit project monitor's report within 21 days of project completion	2400	1200	4800	2400

**PRE-DEMOLITION ABATEMENT
PROCEDURES**

1-125(a) BX7X	Failed to post notice of Asbestos Project as required before abatement	2400	1500	4800	3000
1-125(b) BX7Y	Failed to evacuate all occupants prior to abatement activities	2400	1500	4800	3000
1-125(c) BX7Z	Failed to lock out electrical power and/or provide outside power as required	1200	1000	2400	1500
1-125(d) BX70	Failed to install worker waste decon in required sequence	2400	1500	4800	3000
1-125(e) BX71	Failed to lock out HVAC and/or install isolation barriers at ducts	4800	3000	9600	6000
1-125(f) BX72	Commenced abatement prior to completion of work place preparation	4800	3000	9600	6000
1-125(g) BX73	Used methods that raise dust during work area preparation	2400	1500	4800	3000
1-125(h) BX74	Failed to properly preclean and/or remove objects from work area	1200	1000	2400	1500
1-125(i) BX75	Failed to install required isolation barriers as specified	2400	1500	4800	3000
1-125(j) BX76	Failed to properly cover/seal cinderblock/porous construction material	2400	1500	4800	3000
1-125(k) BX78	Failed to make flooring in work area watertight	2400	1500	4800	3000
1-125(l) BX8A	Disturbed contaminated ceiling tiles prior to full work area prep	2400	1500	4800	3000
1-125(m) BX8B	Failure to establish and maintain required means of egress	4800	3000	9600	6000
1-125(n) BX8C	Failed to lock entrances to work area against unauthorized entry	2400	1500	4800	3000

1-125(o) BX8D	Failed to maintain/secure/lock-out elevators running thru work area	2400	1500	4800	3000
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1-125(p) BX8E	Failed to provide adequate external toilet facilities near clean room	1200	1000	2400	1500
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ACM PROCEDURES: ORDER OF WORK

1-126 BX8F	Performed concurrent abatement & demolition or story removal	4800	3000	9600	6000
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CLEAN-UP PROCEDURES DURING ABATEMENT

1-127(a) BX85	Failure to bag/wrap/containerize waste immediately upon removal	4800	3000	9600	6000
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1-127(B) BX87	Failure to properly clean waste decon on completion of waste removal	2400	1500	4800	3000
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1-127(C) BX88	Failure to clean worker decon after shift/meal break as specified	2400	1500	4800	3000
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1-127(D) BX89	Failure to stop work and dispose of excess water in work area	1200	1000	2400	1500
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CLEAN-UP PREPARATION FOR CLEARANCE AIR MONITORING

1-128(a) BX91	Failure to properly remove/containerize visible accumulations of ACM	4800	3000	9600	6000
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1-128(b) BX92	Failure to remove containerized waste from work area as required	2400	1500	4800	3000
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1-128(c) BX93	Failure to properly wet-clean/HEPA vac surfaces in work area	2400	1500	4800	3000
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1-128(d)	Failure to properly clean and/or encapsulate	2400	1500	4800	3000
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BX94	plastic on porous material				
1-128(e) BX95	Failure to properly encapsulate surfaces in work area	2400	1500	4800	3000
1-128(f) BX96	Failure to remove and decontaminate all tools and equipment as required	1200	1000	2400	1500
1-128(g) BX99	Removal of isolation barriers before final Air clearance	4800	3000	9600	6000
1-128(H) BXC3	Failure to submit project monitor's report within 21 days of project completion	2400	1500	4800	3000
12 NYCRR Part 56	Violation of New York State Industrial Code Rule 56-level 1 (includes sections 56-4.2, 56-4.3, 56-4.9d, 56-4.10, 56-4.12c, 56-5.1a, 56-5.1f, 56-5.1h, 56-5.1j, 56-7.1d, 56-7.2n, 56-7.4a, 56-7.4b, 56-7.5a, 56-7.5b, 56-7.5c, 56-7.5d, 56-7.5e, 56-7.6, 56-7.7, 56-7.8a, 56-7.9a, 56-7.9b, 56-7.9c, 56-7.11a, 56-7.11b, 56-7.11d, 56-7.11e, 56-8.2e, 56-8.2g, 56-8.3a, 56-8.4a, 56-8.4b, 56-8.4c, 56-8.7a, 56-8.7l, 56-8.8a, 56-8.8b, 56-8.8k, 56-9.1a, 56-9.2d, 56-9.2g, 56-11.2a, 56-11.2f, 56-11.3a, 56-11.4a, 56-11.4b, 56-11.4c, 56-11.4d, 56-11.4e, 56-11.5a, 56-11.5c, 56-11.6a, 56-11.6b, 56-11.6c, 56-11.6d, 56-11.6e, 56-11.6f, 56-11.7a, 56-11.7b, 56-11.7c, 56-11.7d, 56-11.8a, 56-11.8b, 56-11.8c, 56-11.8d)	4800	3000	9600	6000
12 NYCRR Part 56	Violation of New York State Industrial Code Rule 56-level 2 (includes sections 56-4.5, 56-4.6, 56-4.8a, 56-4.8c, 56-4.9b, 56-4.9c, 56-4.12a, 56-4.12b, 56-5.1e, 56-6.2a, 56-6.2b, 56-7.1b, 56-7.1c, 56-7.2a, 56-7.2d, 56-7.2e, 56-7.2f, 56-7.2g, 56-7.2h, 56-7.2i, 56-7.2j, 56-7.2k, 56-7.2l, 56-7.2m, 56-7.3, 56-7.4c, 56-7.5f, 56-7.10c, 56-7.11c, 56-7.11f, 56-8.2a, 56-8.2b, 56-8.2h, 56-8.4e, 56-8.4f, 56-8.4g, 56-8.4h, 56-8.4i, 56-8.5a, 56-8.5b, 56-8.5c, 56-8.5d, 56-8.5e, 56-8.7j, 56-8.7k, 56-8.8c, 56-8.8e, 56-8.8i, 56-8.8j, 56-8.9a, 56-8.9b, 56-9.1b, 56-9.1d, 56-9.2b, 56-9.3a, 56-9.3c, 56-9.3d, 56-11.3d, 56-11.3e)	2400 1500		4800 3000	
12 NYCRR Part 56	Violation of New York State Industrial Code Rule 56-level 3 (includes sections 56-3.4a, 56-3.6a, 56-3.6b, 56-3.6d, 56-3.6e, 56-4.7a, 56-4.7b, 56-4.7c, 56-4.8b, 56-4.9a, 56-5.1g, 56-7.2b, 56-7.2o, 56-7.10a, 56-7.10b, 56-7.11g, 56-8.1b, 56-8.2d, 56-	1200 1000		2400 1500	

8.2f, 56-8.6a, 56-8.6b, 56-8.7b, 56-8.7c, 56-8.7d,
56-8.7e, 56-8.7f, 56-8.7g, 56-8.7h, 56-8.7i, 56-
8.8d, 56-8.8f, 56-8.8g, 56-8.8h, 56-8.9c, 56-8.9d,
56-8.9e, 56-8.9f, 56-8.9h, 56-8.9i, 56-9.1c, 56-
9.1f, 56-9.1h, 56-9.3b, 56-10.2, 56-10.4, 56-11.3c,
56-11.5b)

24-146.1 (h) Resumed work in violation of stop work order
BX97

4400
2750

8800
5500