

### §3-121 Sanitation Asbestos Rules Penalty Schedule

#### SANITATION ASBESTOS RULES PENALTY SCHEDULE

Worker Penalty: Where the Hearing Officer finds that the respondent is a worker (defined as an individual employee working under the direction of another whose job duties permit no exercise of judgment or discretion), the penalty will be \$500.00.

Second offense is defined as a violation by the same respondent of any provision of the rules found in 16 RCNY Chapter 8, or of Section 16-117.1 of the NYC Administrative Code, where the date of occurrence of the current violation is within two years of the date of the prior violation.

All citations are to 16 RCNY Chapter 8.

RULES	DESCRIPTION	PENALTY		AGGRAVATING CIRCUMSTANCES		MITIGATION	
		1 <sup>st</sup>	2 <sup>nd</sup>	Basic Penalty	Visible Emission or Adult Exposure	Child Exposure	No Knowledge
PRESENT FOR STORAGE OF ASBESTOS WASTE:							
8-03(a)(1) AS50	Not Wet	1 <sup>st</sup>	4,000	8,000	9,000	-1,000	-500
		2 <sup>nd</sup>	5,000	10,000	11,000	N/A	-1,000
8-03(a)(2) AS51	Uncontained, unsealed	1 <sup>st</sup>	7,000	14,000	15,000	-2,000	N/A
		2 <sup>nd</sup>	8,000	16,000	18,000	N/A	N/A
8-03(a)(2) AS52	Not 6 mil	1 <sup>st</sup>	5,000	10,000	11,000	-2,000	-1,000
		2 <sup>nd</sup>	6,000	12,000	14,000	N/A	-1,000
8-03(a)(2) AS53	No Warning Label	1 <sup>st</sup>	1,000	N/A	N/A	-500	-200
		2 <sup>nd</sup>	1,500	N/A	N/A	N/A	-500
8-03(a)(3) AS54	Mixed w/ other waste	1 <sup>st</sup>	5,000	10,000	11,000	-2,000	-1,000
		2 <sup>nd</sup>	6,000	12,000	14,000	N/A	-1,000
STORAGE OF ASBESTOS WASTE:							
8-04(a)(1) AS55	Uncontained, unsealed	1 <sup>st</sup>	12,000	24,000	25,000	-4,000	N/A
		2 <sup>nd</sup>	14,000	25,000	25,000	N/A	N/A
8-04(a)(1) AS56	Not wet, not 6 mil	1 <sup>st</sup>	10,000	20,000	22,000	-4,000	-2,000
		2 <sup>nd</sup>	11,000	22,000	24,000	N/A	-2,000
8-04(a)(1) AS57	No warning label	1 <sup>st</sup>	2,000	N/A	N/A	-1,000	-500
		2 <sup>nd</sup>	3,000	N/A	N/A	N/A	-500
8-04(a)(2) AS58	No 24 hour inspection	1 <sup>st</sup>	2,000	4,000	N/A	-1,000	-500
		2 <sup>nd</sup>	3,000	6,000	N/A	N/A	-500
8-04(a)(3) AS59	Inadequate spare leak-tight containers	1 <sup>st</sup>	3,000	N/A	N/A	-1,000	-500
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	-500

8-04(a)(4) AS60	Inadequate water supply	1 <sup>st</sup>	3,000	N/A	N/A	-1,000	-500
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	-500
8-04(a)(5) AS61	Mixed with other waste	1 <sup>st</sup>	7,000	14,000	15,000	-2,000	-1,000
		2 <sup>nd</sup>	8,000	16,000	18,000	N/A	-1,000
8-04(a)(6) AS62	Unsecured area	1 <sup>st</sup>	6,000	N/A	N/A	-2,000	-1,000
		2 <sup>nd</sup>	7,000	N/A	N/A	N/A	-1,000
8-04(b) AS63	50 cu. yds/no authorization	1 <sup>st</sup>	3,000	N/A	N/A	-1,000	N/A
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	N/A
8-04(b)(1)(i) AS64	50 cu. yds/ no inspection records	1 <sup>st</sup>	2,000	5,000	N/A	-1,000	N/A
		2 <sup>nd</sup>	3,000	6,000	N/A	N/A	N/A

PRESENT FOR TRANSPORT ASBESTOS WASTE:

8-05(a) AS65	Uncontained, unsealed	1 <sup>st</sup>	14,000	25,000	25,000	-4,000	N/A
		2 <sup>nd</sup>	16,000	25,000	25,000	N/A	N/A
8-05(a) AS66	Not wet, not 6 mil	1 <sup>st</sup>	12,000	24,000	25,000	-4,000	-2,000
		2 <sup>nd</sup>	14,000	25,000	20,000	N/A	-2,000
8-05(a) AS67	No warning label	1 <sup>st</sup>	3,000	N/A	N/A	-1,000	-500
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	-500
8-05(b) AS68	Without inspection	1 <sup>st</sup>	3,000	6,000	7,000	-1,000	-500
		2 <sup>nd</sup>	4,000	8,000	9,000	N/A	-500
8-05(c) AS69	Mixed with other waste	1 <sup>st</sup>	8,000	16,000	18,000	-2,000	-1,000
		2 <sup>nd</sup>	9,000	18,000	20,000	N/A	-2,000
8-05(d)(1) AS70	Transporter w/o DEC permit	1 <sup>st</sup>	3,000	N/A	N/A	N/A	N/A
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	N/A
8-05(d)(2) AS71	Transporter w/o DCA permit	1 <sup>st</sup>	3,000	N/A	N/A	N/A	N/A
		2 <sup>nd</sup>	4,000	N/A	N/A	N/A	N/A

TRANSPORT ASBESTOS WASTE:

8-06(a) AS72	Uncontained, unsealed	1 <sup>st</sup>	16,000	25,000	25,000	-5,000	N/A
		2 <sup>nd</sup>	18,000	25,000	25,000	N/A	N/A
8-06(a) AS73	Not wet, not 6 mil	1 <sup>st</sup>	12,000	24,000	25,000	-4,000	-2,000
		2 <sup>nd</sup>	14,000	25,000	25,000	N/A	-2,000
8-06(a)	No warning label	1 <sup>st</sup>	4,000	N/A	N/A	-1,000	-500

AS74		2 <sup>nd</sup>	5,000	N/A	N/A	N/A	-1,000
8-06(b) AS75	No examination, unsafe packaging	1 <sup>st</sup> 2 <sup>nd</sup>	4,000 5,000	8,000 10,000	9,000 11,000	-1,000 N/A	-500 -1,000
8-06(c) AS76	Inadequate spare leak-tight containers	1 <sup>st</sup> 2 <sup>nd</sup>	4,000 5,000	N/A N/A	N/A N/A	-1,000 N/A	-500 -1,000
8-06(d) AS77	Inadequate water supply	1 <sup>st</sup> 2 <sup>nd</sup>	4,000 5,000	N/A N/A	N/A N/A	-1,000 N/A	-500 -1,000
8-06(e) AS78	Mixed with other waste	1 <sup>st</sup> 2 <sup>nd</sup>	9,000 10,000	18,000 20,000	20,000 22,000	-4,000 N/A	-2,000 -2,000
8-06(f) AS79	Unprotected container	1 <sup>st</sup> 2 <sup>nd</sup>	9,000 10,000	18,000 20,000	20,000 22,000	-4,000 N/A	-2,000 -2,000
8-06(g) AS80	Lacking DEC permit	1 <sup>st</sup> 2 <sup>nd</sup>	4,000 5,000	N/A N/A	N/A N/A	N/A N/A	N/A N/A
8-06(h) AS81	Lacking DCA permit	1 <sup>st</sup> 2 <sup>nd</sup>	4,000 5,000	N/A N/A	N/A N/A	N/A N/A	N/A N/A

#### PRESENT FOR DISPOSAL ASBESTOS WASTE

8-07(a) AS82	Unapproved site	1 <sup>st</sup> 2 <sup>nd</sup>	10,000 12,000	20,000 24,000	22,000 25,000	-4,000 N/A	-2,000 -2,000
8-07(b) AS83	Non-compliance w/ order	1 <sup>st</sup> 2 <sup>nd</sup>	9,000 10,000	18,000 20,000	20,000 22,000	N/A N/A	N/A N/A
8-07(c) AS84	Uncontained, unsealed	1 <sup>st</sup> 2 <sup>nd</sup>	18,000 20,000	25,000 25,000	25,000 25,000	-6,000 N/A	N/A N/A
8-07(c) AS85	Not wet, not 6 mil	1 <sup>st</sup> 2 <sup>nd</sup>	16,000 18,000	25,000 25,000	25,000 25,000	-5,000 N/A	-3,000 -3,000
8-07(c) AS86	No warning label	1 <sup>st</sup> 2 <sup>nd</sup>	5,000 6,000	N/A N/A	N/A N/A	-2,000 N/A	-1,000 -1,000
8-07(d) AS87	No examination, unsafe repackaging	1 <sup>st</sup> 2 <sup>nd</sup>	5,000 6,000	10,000 12,000	11,000 14,000	-2,000 N/A	-1,000 -1,000
8-07(e) AS88	Mixed with other waste	1 <sup>st</sup> 2 <sup>nd</sup>	10,000 12,000	20,000 24,000	22,000 25,000	-4,000 N/A	-2,000 -2,000

#### ABANDONMENT:

8-08 AS89	Abandonment of Asbestos waste	1 <sup>st</sup> 2 <sup>nd</sup>	20,000 22,000	25,000 25,000	25,000 25,000	-6,000 N/A	-4,000 -4,000
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