

New York City Department of Environmental Protection

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Environmental Protection (“DEP” or “Department”) is proposing rules that would establish penalties for violations of Chapter 5 of Title 24 of the Administrative Code of the City of New York (“Administrative Code”), also known as the Sewer Control Code, and Chapter 19 of Title 15 of the Rules of the City of New York (“RCNY”), also known as the Sewer Control Rules. The Office of Administrative Trials and Hearings’ Environmental Control Board (OATH ECB) is proposing a companion rule removing the existing Sewer Control Rules Penalty Schedule from Title 48 of the Rules of the City of New York. The Sewer Control Rules Penalty Schedule established by these proposed rules is unchanged from the existing rule, except for additional penalties to enforce new sections in the proposed new Chapter 19.1 of Title 15 of the RCNY and Chapter 5-A of Title 24 of the Administrative Code.

When and where is the hearing? The Department will hold a public hearing on the proposed rules. The public hearing will take place at 11 a.m. on January 2, 2019. The hearing will be held in the Department’s 19 floor Fishbowl hearing conference room at 59-17 Junction Boulevard, Flushing NY 11373.

This location has the following accessibility option(s) available: wheelchair accessibility.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department through the NYC rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to nycrules@dep.nyc.gov.
- **Mail.** You can mail comments to Department of Environmental Protection, Bureau of Legal Affairs, Att: Rulemaking Attorney, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax comments to the Department of Environmental Protection, Bureau of Legal Affairs, at (718) 595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling (718) 595-6531. You can also sign up in the hearing room before the hearing begins on January 2, 2019. You can speak for up to three minutes.

Is there a deadline to submit comments? Yes, you must submit written comments by January 2, 2019.

What if I need assistance to participate in the hearing? You must tell the Bureau of Legal Affairs if you need a reasonable accommodation of a disability at the hearing other than the one indicated above. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at (718) 595-6531. Advance notice is required to allow sufficient time to arrange the accommodation. Please tell us by December 26, 2018. Any mail notice must be received by this date.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, a summary of oral comments concerning the proposed rules, and a transcript of the hearing will be available to the public at the Bureau of Legal Affairs, 59-17 Junction Boulevard, Flushing, NY, 11373.

What authorizes DEP to make these rules? Section 1043 of the New York City Charter (“City Charter”) and Chapter 5-A of Title 24 of the Administrative Code authorize DEP to make these proposed rules. These proposed rules were included in DEP’s regulatory agenda for this Fiscal Year.

Where can I find the DEP’s rules? DEP’s rules are in Title 15 of the Rules of the City of New York.

What laws govern the rulemaking process? DEP must meet the requirements of Section 1043(c) of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

Statement of Basis and Purpose of Proposed Rules

The Department of Environmental Protection (“DEP” or the “Department”) is proposing rules to amend Title 15 of the Rules of the City of New York (RCNY) by adding a new Chapter 56 that would establish penalties for violations of Chapter 5 and 5-A of Title 24 of the Administrative Code of the City of New York (Administrative Code), Chapter 19 of Title 15 of the RCNY, and Chapter 19.1 of Title 15 of the RCNY.

The proposed rules would establish the Sewer Control Rules Penalty Schedule, to be found at a new Chapter 56 of Title 15 of the RCNY. The proposed rules are, in part, needed to comply with the New York City municipal separate storm sewer system permit (NYC MS4 permit), issued by the New York State Department of Environmental Conservation (NYSDEC) on August 1, 2015 pursuant to the federal Clean Water Act.

The NYC MS4 permit requires the City to develop and implement a number of programs to reduce pollutants in certain stormwater discharges to local waterbodies. To that end, DEP has proposed a new Chapter 19.1 of Title 15 of the RCNY, which enables the Commissioner to protect waters of the state by establishing the following two new regulatory programs required by the NYC MS4 permit:

- (i) an inspection and enforcement program to ensure that industrial stormwater sources are in compliance with state and local stormwater requirements; and
- (ii) a permitting, inspection and enforcement program for covered development projects, as defined in the rule, including requirements for construction and post-construction stormwater controls, standards for such controls, and penalties for non-compliance with the rules and permit conditions.

The proposed Sewer Control Rules Penalty Schedule is intended, in part, to enforce the program described in (i) above. The program described in (ii) above will have a separate penalty schedule.

The existing Sewer Control Rules Penalty Schedule, which is located in the rules of the Office of Administrative Trials and Hearings' Environmental Control Board (OATH ECB) at 48 RCNY § 3-123, will be repealed by OATH ECB on the same day that these proposed rules take effect. The proposed Sewer Control Rules Penalty Schedule is unchanged from the existing rule, except for additional penalties to enforce the following new sections in the proposed new Chapter 19.1 of Title 15 of the RCNY and Chapter 5-A of Title 24 of the Administrative Code:

- 15 RCNY 19.1-02.1 - Discharge in excess of interim or final limits for toxic parameter under SPDES Multi-Sector General Permit
- 15 RCNY 19.1-02.1 - Discharge in excess of interim or final effluent limits for non-toxic parameter under SPDES Multi-Sector General Permit but less than 10x the limit / Unauthorized discharge
- 15 RCNY 19.1-02.1 - Discharge in excess of interim or final effluent limits for non-toxic parameter under SPDES Multi-Sector General Permit and equal to 10x the limit or greater / Significant unauthorized discharge
- 15 RCNY 19.1-02.3 - Refusal to allow inspection/tampering with sampling or testing device
- A.C. 24-573 / 15RCNY 19.1-02.4 - Failure to maintain/submit required record/report
- A.C. 24-585 - Failure to comply with Comm's Order
- 15 RCNY 19.1-02.1 - Failure to comply with terms of permit reporting requirements
- 15 RCNY 19.1-02.1 - Failure to comply with terms of permit other than reporting requirements
- 15 RCNY 19.1-01.4 - Failure to comply with Storm Water Pollution Prevention Plan
- 15 RCNY 19.1-02.1 - Providing false or misleading information
- 15 RCNY 19.1-01.4 - Failure to protect against accidental discharge

- A.C. Title 24, Ch.5-A and 15 RCNY Ch. 19.1 - Miscellaneous Administrative Code/Rule violation
- A.C. Title 24, Ch.5-A and 15 RCNY Ch. 19.1 - Any serious Administrative Code/Rule violation

The proposed version of sections 19.1-01 through 19.1-02 of these rules has been published and is expected to be in effect when this penalty schedule goes into effect. These sections relate to the general administration, and enforcement of the industrial and commercial stormwater control program.

Although OATH ECB is empowered to impose penalties under the City Charter and has until now promulgated penalty schedules, the regulatory and enforcement agencies have the necessary expertise to determine appropriate penalties for violations of the rules and of the laws within their jurisdiction based on the severity of each violation and its effect on City residents. Moving the penalty schedule to DEP's rules will also make it easier for the public to find the penalties, which will be located within the same chapter as the rules supporting the violations alleged in the summonses. Finally, the proposed rule relocation will speed up the rulemaking process by eliminating the need for OATH ECB approval of proposed or amended penalties for agency rules that have already been established by the legislature and/or that have already undergone the City Administrative Procedure Act (CAPA) process by the enforcement agency. The public will still have the opportunity to comment on proposed penalties during that process.

Working with the City's rulemaking agencies, the Law Department, the Mayor's Office of Management and Budget, and the Mayor's Office of Operations conducted a retrospective rules review of the City's existing rules, identifying those rules that will be repealed or modified to reduce regulatory burdens, increase equity, support small businesses, and simplify and update content to help support public understanding and compliance. The proposed repeal of 48 RCNY §3-123 was identified as meeting the criteria for this initiative.

New material is underlined.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of the department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1: Title 15 of the Rules of the City of New York is amended by adding a new Chapter 56 to read as follows:

Chapter 56. Sewer Control Rules Penalty Schedule

§56-01 General

- (a) The name "Division of Pollution Control and Monitoring" is abbreviated as "DPCM." The term "Not Applicable" is abbreviated as "N/A."
- (b) Citations preceded by "A.C." are to the NYC Administrative Code.
- (c) Pursuant to § 3-81(b), a late admit fee of \$30.00 will be added to all the below listed penalties for a failure to submit a payment by mail, as per § 3-32, within 30 days of the mailing date of the default order issued against respondent.
- (d) For purposes of this Penalty Schedule, the term "serious" in the charge for A.C. Title 24, Ch. 5/15 RCNY Ch. 19, for "any serious Admin. Code Rule violation" means "any violation resulting in injury to human, animal, or aquatic life, harm to public health or the environment, or damage to the publicly owned treatment works or its collection system."
- (e) A second, third and/or subsequent violation shall be based on the following criteria: (1) an offense by the same respondent; (2) the prior NOV(s) is for the same subsection and paragraph of the same regulation as the current NOV; (3) the offense does not have to involve the same premises, equipment and/or vehicle; (4) the prior NOV(s) was concluded by a finding of violation or an admission or a default and has a date of offense within 1 year of the date of offense of the current NOV; and (5) if NOV(s) with different dates of offense are adjudicated at the same hearing, each NOV shall serve as a prior violation for all subsequently issued NOV's.
- (f) The default penalty for all charges in this Penalty Schedule is \$10,000.
- (g) Mitigation, if applicable, shall be determined as per notes 1 through 9 below, and as indicated in the mitigation penalty column ("MIT. PENALTY") of this Penalty Schedule, and also as per "Compliance Incentives Policy Mitigation" set out below.

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|---|---|---|--|
| 1 | 19-03(a)(6) 19-03(a)(9) 19-04(a)-(c) 19.1-02.1 | Mitigation | DPCM has received the results of sampling conducted by the respondent subsequent to the date of offense which are in compliance with applicable limits and deemed acceptable by DPCM. Such results must be received by DPCM within 30 calendar days from the date of service of the NOV. The burden of proving compliance shall be upon the respondent. |
| 2 | 24-524(f) 24-585 19.1-02.1 | Mitigation failure to comply | DPCM has received proof deemed acceptable by DPCM that the Commissioner of Environmental Protection's order or permit has been fully complied with, within 30 calendar days from the due date for compliance with said order, or report due date. |
| 3 | 19-03(a)(4), (5), (7), (8) 19-03(a)(10)- (11) 19-03(a)(15) 19.1-02.1 | Mitigation | DPCM has received proof deemed acceptable by DPCM that the spill/discharge was accidental, that the respondent has properly reported the spill/discharge to DPCM, has taken adequate measures to minimize the extent of the spill/discharge, and has properly cleaned the spill/discharge. |
| 4 | 24-524(f) 24-585 19.1-02.1 | Mitigation failure to comply | DPCM has received proof deemed acceptable by DPCM that the Commissioner of Environmental Protection's order or permit has been fully complied with, within 30 calendar days from the due date for compliance with said order, or report due date. Alternatively, a prior NOV exists for the same commissioner of environmental protection's order or permit reporting requirement (i.e. same report was due) and has a date of offense within 1 year of the date of offense of the current NOV and DPCM has received proof deemed acceptable by DPCM that the commissioner of environmental protection's order or permit has been fully complied with within 30 calendar days from the date of service of the current NOV. |
| 5 | 19-02(a), (d) 19-05(e) 19-06(b) | Mitigation | DPCM has received proof deemed acceptable by DPCM that the violation has been corrected within 30 calendar days from the date of service of the NOV. |
| 6 | 19-03(a)(12) | Mitigation discharge burdensome to plant | DPCM has received proof deemed acceptable by DPCM that the respondent has immediately ceased the unauthorized discharge, performed a proper cleanup, if applicable, and taken adequate measures to prevent future unauthorized discharges. |

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| 7 | 24-509(c) | <u>Mitigation failure to connect to public sewer</u> | <u>Respondent has DEP house connection permit by first scheduled hearing date and connects within three weeks of the first scheduled hearing date.</u> |
| 8 | 24-509(c) | <u>Mitigation failure to connect to public sewer</u> | <u>Respondent files plumbing repair application with department of buildings by first scheduled hearing date and completes connection within five weeks of the first scheduled hearing date.</u> |
| 9 | 24-509(c) | <u>Mitigation failure to connect to public sewer</u> | <u>Respondent fails to initiate the connection process by first scheduled hearing date but completes connection within seven weeks of the first scheduled hearing date.</u> |

COMPLIANCE INCENTIVES POLICY MITIGATION

IF RECOMMENDED BY DPCM, PENALTIES MAY BE ASSESSED UNDER THE TERMS OF THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S POLICY ON INCENTIVES FOR BUSINESSES TO COMPLY WITH REGULATIONS GOVERNING DISCHARGES TO PUBLIC SEWERS, ALSO KNOWN AS THE COMPLIANCE INCENTIVES POLICY (CIP). A COPY OF THE CIP CAN BE OBTAINED FROM THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WASTEWATER TREATMENT, DIVISION OF POLLUTION CONTROL AND MONITORING. THE ACTUAL TEXT OF THE CIP SHALL BE DETERMINATIVE OF THE REQUIREMENTS FOR MITIGATION UNDER THE CIP. SEE BELOW FOR A BRIEF SUMMARY OF THE CIP. SEE ALSO THE CIP PENALTY REDUCTION TABLE, BELOW.

Summary of CIP

(See actual CIP for further details)

Qualifying violations will be:

- 1) violations discovered through a voluntary on-site compliance assistance program, as per the terms of the CIP;
- 2) violations discovered through an environmental self-audit, as per the terms of the CIP;
- 3) violations discovered through special testing, sampling, or monitoring performed by a business for the purpose of evaluating or upgrading its equipment or processes, as per the terms of the CIP. The disclosure of the violation must occur within the time frames required by the CIP, and before the violation was otherwise discovered by, or reported to DPCM, and cannot be a result of legally mandated monitoring or sampling requirement prescribed by statute, regulation, permit, judicial or administrative order, or consent agreement. As described in the CIP, businesses must correct the violations within the shortest practicable period of time, not to exceed 90 days following detection of the violation, unless an additional 90 day period is approved by DPCM, only if necessary to allow the business to correct the violation by implementing pollution prevention measures. See actual CIP for all requirements, and for further details. Additional requirements include, but are not limited to:
 - a) the business immediately corrects threats to the public's health, safety or the environment; and
 - b) the business has not intentionally, knowingly, recklessly, or with criminal or gross negligence caused harm to public health, safety or the environment; and
 - c) the violation does not involve criminal conduct; and
 - d) the violation does not cause the publicly-owned treatment works facility, which treats the related NYC sewer discharge where the violation occurred, to exceed its effluent limitations; and
 - e) the business has not received any NOV's, for the same subsection and paragraph of the same regulation as the current NOV, with a date of offense within two years prior to the date of offense of the current NOV, or alternatively, at DPCM's discretion, the business either funds an environmentally beneficial project that contributes to the betterment of the NYC wastewater collection and treatment system (or other related or non-related

Department of Environmental Protection concerns), or attends a mandatory user-paid environmental education program.

CIP Penalty Reduction Table

If Respondent also qualifies for a non-CIP mitigated penalty, the CIP percentage penalty reduction shall be applied to the mitigated penalty amount.

| <u>Determining Factors For Reduction in Penalty</u> | <u>Percent Reduction In Penalty</u> |
|--|--|
| All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and violation caused no harm to public health, safety or the environment. | 100% |
| All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) instead of 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and violation caused no harm to public health, safety or the environment. | 90% |
| All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and violation caused no harm to public health, safety or the environment. | 80% |
| All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval), instead of 90 days following detection of the violation, and NOV for the same subsection and paragraph within 2 years but environmentally beneficial project funded or environmental education program attended, and violation caused no harm to public health, safety or the environment. | 70% |
| All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and violation caused harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. | 60% |
| All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) instead of 90 days following detection of the violation, and no prior NOV for the same subsection and paragraph as current NOV within 2 years, and violation caused harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. | 50% |
| All CIP requirements satisfied, and violation corrected within 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and violation caused harm to public health, safety, or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. | 40% |
| All CIP requirements satisfied, and violation corrected within 180 days (with DPCM approval) instead of 90 days following detection of the violation, and NOV exists for same subsection and paragraph within 2 years, but environmentally beneficial project funded or environmental education program attended, and violation caused harm to public health, safety or the environment, but not intentionally, knowingly, recklessly, or with criminal or gross negligence. | 30% |

§56-02 Sewer Control Rules Penalty Schedule

| <u>Regulation</u> | <u>Description</u> | <u>First Violation</u> | | <u>Second Violation</u> | | <u>Third Violation</u> | | <u>Subs Viol.</u> | <u>Default Penalty</u> |
|--------------------------|---|-------------------------------|----------------------------|--------------------------------|----------------------------|-------------------------------|----------------------------|--------------------------|-------------------------------|
| | | <u>Penalty</u> | <u>MIT. Penalty</u> | <u>Penalty</u> | <u>MIT. Penalty</u> | <u>Penalty</u> | <u>MIT. Penalty</u> | | |
| 15 RCNY 19-02(a), (d) | Unauthorized connection to public sewer/Interceptor | - | - | - | - | - | - | - | |
| 1st offense | - | 300 | 200 ⁵ | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |

| | | | | | | | | | |
|---------------------------|--|------|------------------|------|----|------|----|-------|-------|
| Subs. offense | - | - | - | - | - | - | - | 2500 | 10000 |
| 15 RCNY 19-02(b), (c),(e) | Unauthorized discharge to catch basin/storm/sanitary sewer | - | - | - | - | - | - | - | |
| 1st offense | - | 250 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| 15 RCNY 19-02(f) | Discharge of Groundwater without permit | - | - | - | - | - | - | - | |
| 1st offense | - | 250 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| 15 RCNY 19-03(a)(1) | Discharge of obstructive substance or Other Interference | - | - | - | - | - | - | - | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| 15 RCNY 19-03(a)(2) | Discharge of snow and ice at Unauthorized Location | - | - | - | - | - | - | - | |
| 1st offense | - | 100 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 200 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 500 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 1000 | 10000 |
| 15 RCNY 19-03(a)(3) | Discharge of steam/waste water over 150°F | - | - | - | - | - | - | - | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2000 | 10000 |
| 15 RCNY 19-03(a)(4) | Discharge of flammable or explosive Substance | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | 500 ³ | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2000 | NO | - | - | - | 4000 |
| 3rd offense | - | - | - | - | - | 4000 | NO | - | 8000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| 15 RCNY 19-03(a)(5) | Discharge of oil 0-5 qts from changing oil in privately owned Automobile | - | - | - | - | - | - | - | |

| | | | | | | | | | |
|--|--|------|-------------------|------|------------------|------|-------------------|-------|-------|
| 1st offense | - | 500 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 800 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2000 | 10000 |
| 15 RCNY 19-03(a)(6) | Discharge of non-polar material | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | 500 ¹ | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2000 | 800 ¹ | - | - | - | 4000 |
| 3rd offense | - | - | - | - | - | 4000 | 1000 ¹ | - | 8000 |
| Subs offense | - | - | - | - | - | - | - | 7500 | 10000 |
| 15 RCNY 19-03(a) (5),(7), (8) | Discharge of oil sludge/coal tar/paints | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | 500 ³ | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2000 | 800 ³ | - | - | - | 4000 |
| 3rd offense | - | - | - | - | - | 4000 | 1000 ³ | - | 8000 |
| Subs offense | - | - | - | - | - | - | - | 7500 | 10000 |
| 15 RCNY 19-03(a)(9) | Discharge of wastewater outside of applicable ph limits | - | - | - | - | - | - | - | |
| 1st offense | - | 400 | 250 ¹ | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 800 | 400 ¹ | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2000 | 10000 |
| 15 RCNY 19- 03(a)(10)- (11) 15 RCNY 19.1-02.1 | Discharge of toxics Discharge in excess of interim or final limits for toxic parameter under SPDES Multi-Sector General Permit | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | 500 ³ | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2000 | NO | - | - | - | 4000 |
| 3rd offense | - | - | - | - | - | 4000 | NO | - | 8000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| 15 RCNY 19-03(a)(12) | Discharge of pollutant burdensome to sewage treatment plant | - | - | - | - | - | - | - | |
| 1st offense | - | 2500 | 1500 ⁶ | - | - | - | - | - | 5000 |
| 2nd offense | - | - | - | 5000 | NO | - | - | - | 10000 |
| 3rd offense | - | - | - | - | - | 7500 | NO | - | 10000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| 15 RCNY 19- 03(a)(13)- (14) | Discharge of noxious malodorous or discoloring substance | - | - | - | - | - | - | - | |

| | | | | | | | | | |
|--|---|-------------|------------------------|-------------|-----------|-------------|-----------|-------------|--------------|
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>800</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2000</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03(a)(15)</u> | <u>Discharge of dry</u> <u>cleaning wastes</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>1000</u> | <u>250³</u> | - | - | - | - | - | <u>2000</u> |
| <u>2nd offense</u> | - | - | - | <u>2000</u> | <u>NO</u> | - | - | - | <u>4000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>4000</u> | <u>NO</u> | - | <u>8000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03(b)</u> | <u>Discharge of unshredded garbage</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03(d)(1)</u> <u>15 RCNY</u> <u>19.1-01.4</u> | <u>Failure to Protect against</u> <u>accidental discharge</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03(d)(2)</u> | <u>Failure to immediately notify</u> <u>DEP of accidental discharge</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03</u> <u>(d)(3)</u> | <u>Failure to post</u> <u>accidental discharge procedures</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>250</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY</u> <u>19-03(d)(4)</u> <u>15 RCNY</u> <u>19.1-01.4</u> | <u>Failure to mitigate discharge and</u> <u>commence clean-up</u> <u>Failure to comply with Storm</u> <u>Water Pollution Prevention Plan</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |

| | | | | | | | | | |
|-------------------------|---|------|------------------|------|------------------|------|----|-------|-------|
| 2nd offense | - | - | - | 1000 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 2500 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 5000 | 10000 |
| 15 RCNY 19-03(e) | Failure to control sewer odor arising in premise | - | - | - | - | - | - | - | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| 15 RCNY 19-03(f) | Failure to install or maintain pretreatment equipment (grease) | - | - | - | - | - | - | - | |
| 1st offense | - | 100 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 400 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 800 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 1500 | 10000 |
| 15 RCNY 19-03(g) | Unlawful discharge of radioactive material | - | - | - | - | - | - | - | |
| 1st offense | - | 2500 | NO | - | - | - | - | - | 5000 |
| 2nd offense | - | - | - | 5000 | NO | - | - | - | 10000 |
| 3rd offense | - | - | - | - | - | 7500 | NO | - | 10000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| 15 RCNY 19-04(a) | Discharge of cyanide amenable in excess of local limit, but less than 25x the limit | - | - | - | - | - | - | - | |
| 1st offense | - | 400 | 250 ¹ | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 800 | 400 ¹ | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2000 | 10000 |
| 15 RCNY 19-04(a) | Discharge of cyanide amenable in excess of local limit, and equal to 25x the limit or greater | - | - | - | - | - | - | - | |
| 1st offense | - | 750 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 1000 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 2000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 5000 | 10000 |
| 15 RCNY 19-04(a)-(c) | Discharge in excess of local/categorical limits/limits set by commissioner, but less than 10x the limit (not applicable to cyanide amenable under 19-04 (a)) | - | - | - | - | - | - | - | |
| 15 RCNY 19.1-02.1 | Discharge in excess of interim or final effluent limits for non-toxic parameter under SPDES Multi- | - | - | - | - | - | - | - | |

| | | | | | | | | | |
|---------------------------------|---|------------|------------------------|-------------|------------------------|-------------|-----------|-------------|--------------|
| | <u>Sector General Permit but less than 10x the limit / Unauthorized discharge</u> | | | | | | | | |
| <u>1st offense</u> | - | <u>400</u> | <u>250¹</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>800</u> | <u>400¹</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2000</u> | <u>10000</u> |
| <u>15 RCNY 19-04(a)-(c)</u> | <u>Discharge in excess of local/categorical limits/limits set by commissioner, and equal to 10x the limit or greater (not applicable to cyanide amenable under 19-04 (a))</u> | | | | | | | | |
| <u>15 RCNY 19.1-02.1</u> | <u>Discharge in excess of interim or final effluent limits for non-toxic parameter under SPDES Multi-Sector General Permit and equal to 10x the limit or greater / Significant unauthorized discharge</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>750</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY 19-04(d)</u> | <u>Failure to Maintain/properly operate pretreatment equipment (categorical)</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY 19-04(e)</u> | <u>Unlawful dilution of wastewater</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY 19-05(a) (1)-(2)</u> | <u>Discharge of wastewater w/o permit or equivalent control mechanism</u> | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>300</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY 19-05(c)</u> | <u>Refusal to provide information, permit inspection, or measure/sample</u> | - | - | - | - | - | - | - | |

| | | | | | | | | | |
|--------------------------------|--|-------------|------------------------|-------------|-----------|-------------|-----------|-------------|--------------|
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY 19-05(d)</u> | Failure to install measurement/sampling equipment, as required | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY 19-05(e)</u> | New connection to public sewer, without permit | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>250⁵</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY 19-06(a)(1)</u> | Discharge of scavenger waste without scavenger waste permit | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>1000</u> | <u>NO</u> | - | - | - | - | - | <u>2000</u> |
| <u>2nd offense</u> | - | - | - | <u>2500</u> | <u>NO</u> | - | - | - | <u>5000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>5000</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>7500</u> | <u>10000</u> |
| <u>15 RCNY 19-06(a)(1)-(2)</u> | Discharge of scavenger waste in violation of terms of permit/discharge of scavenger waste from outside NYC | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>5000</u> | <u>10000</u> |
| <u>15 RCNY 19-06(a)(3)</u> | Discharge of non-sanitary Wastes | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>1000</u> | <u>NO</u> | - | - | - | - | - | <u>2000</u> |
| <u>2nd offense</u> | - | - | - | <u>2500</u> | <u>NO</u> | - | - | - | <u>5000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>5000</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs. offense</u> | - | - | - | - | - | - | - | <u>7500</u> | <u>10000</u> |
| <u>15 RCNY 19-06(a)(4)</u> | Discharge of scavenger wastes at non-designated Manhole | - | - | - | - | - | - | - | |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1000</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>2500</u> | <u>NO</u> | - | <u>3000</u> |

| | | | | | | | | | |
|---|--|-------------|-----------|-------------|-----------|-------------|-----------|--------------|--------------|
| <u>15 RCNY 19-07(d), (h)</u> | <u>Failure to maintain and make available all required records and measurements, or vendor Certification</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY 19-10(b)(1)-(2)</u> | <u>Unauthorized entry into or damage to sewer system</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>2500</u> | <u>NO</u> | - | - | - | - | - | <u>5000</u> |
| <u>2nd offense</u> | - | - | - | <u>5000</u> | <u>NO</u> | - | - | - | <u>10000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>7500</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>10000</u> | <u>10000</u> |
| <u>15 RCNY 19-10(c)</u> | <u>Interference with DEP personnel/Equipment</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>1000</u> | <u>NO</u> | - | - | - | - | - | <u>2000</u> |
| <u>2nd offense</u> | - | - | - | <u>2500</u> | <u>NO</u> | - | - | - | <u>5000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>5000</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>10000</u> | <u>10000</u> |
| <u>15 RCNY 19-10(d)</u> <u>15 RCNY 19.1-02.3</u> | <u>Refusal to allow entry/inspection/tampering With sampling or testing device</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>1000</u> | <u>NO</u> | - | - | - | - | - | <u>2000</u> |
| <u>2nd offense</u> | - | - | - | <u>2500</u> | <u>NO</u> | - | - | - | <u>5000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>5000</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>10000</u> | <u>10000</u> |
| <u>15 RCNY 19-10(e)</u> | <u>Failure to Provide Required Information/refusal to Cooperate</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>500</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>1500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>5000</u> | <u>NO</u> | - | <u>10000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>7500</u> | <u>10000</u> |
| <u>15 RCNY 19-12(a), (c)</u> | <u>Failure to install/maintain pretreatment equipment (dry Cleaners)</u> | - | - | - | - | - | - | - | - |
| <u>1st offense</u> | - | <u>350</u> | <u>NO</u> | - | - | - | - | - | <u>1000</u> |
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>NO</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>1000</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>2500</u> | <u>10000</u> |
| <u>15 RCNY 19-12(b)</u> | <u>Discharge of dry cleaning waste (perc)</u> | - | - | - | - | - | - | - | - |

| | | | | | | | | | |
|--|---|------|--|------|-----|------|-----|------|-------|
| 1st offense | - | 500 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 1000 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 2500 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 5000 | 10000 |
| <u>15 RCNY 19-12(d)</u> | Failure to protect against accidental spill (dry cleaner Waste) | | | | | | | | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| <u>15 RCNY 19-12(e)</u> | Failure to maintain records (dry cleaners) | | | | | | | | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| <u>A.C. 24-509(c)</u> | Failure to connect to public sewer w/i 6 months of notification | | | | | | | | |
| 1st offense | - | 3000 | $\frac{500^7}{750^8}$ $\frac{1000^9}{1000^9}$ | - | - | - | - | - | 5000 |
| 2nd offense | - | - | - | N/A | N/A | - | - | - | |
| 3rd offense | - | - | - | - | - | N/A | N/A | - | |
| Subs offense | - | - | - | - | - | - | - | N/A | |
| <u>A.C. 24-523(c)(2)</u> <u>A.C. 24-573</u> <u>15 RCNY 19.1-02.4</u> | Failure to maintain/submit required record/Report | | | | | | | | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| <u>A.C. 24-523(c)(2)</u> | Failure to Maintain monitoring equipment/Methods | | | | | | | | |
| 1st offense | - | 350 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 1000 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 2500 | 10000 |
| <u>A.C. 24-523(c)(2)</u> | Failure to Provide Required information | | | | | | | | |

| | | | | | | | | | |
|--|--|------|------------------|------|------------------|------|------------------|-------|-------|
| 1st offense | - | 500 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 1500 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 5000 | NO | - | 10000 |
| Subs offense | - | - | - | - | - | - | - | 7500 | 10000 |
| A.C. 24-523(c)(3) | Refusal to allow inspection of monitoring equipment/ method or sampling | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | NO | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2500 | NO | - | - | - | 5000 |
| 3rd offense | - | - | - | - | - | 5000 | NO | - | 10000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| A.C. 24-523(c)(4) 15 RCNY 19.1-02.1 | Providing false or misleading information | - | - | - | - | - | - | - | |
| 1st offense | - | 1000 | NO | - | - | - | - | - | 2000 |
| 2nd offense | - | - | - | 2500 | NO | - | - | - | 5000 |
| 3rd offense | - | - | - | - | - | 5000 | NO | - | 10000 |
| Subs offense | - | - | - | - | - | - | - | 10000 | 10000 |
| A.C. 24-523(f)/24-524(f) / 15 RCNY 19.1-02.1 | Failure to comply with Comm. request for information/terms of permit other than reporting requirements | - | - | - | - | - | - | - | |
| 1st offense | - | 500 | NO | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 1000 | NO | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 2500 | NO | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 5000 | 10000 |
| A.C. 24-524(f) A.C. 24-585 | Failure to comply With Comm's Order | - | - | - | - | - | - | - | |
| 1st offense | - | 400 | 125 ² | - | - | - | - | - | 1000 |
| 2nd offense | - | - | - | 600 | 250 ⁴ | - | - | - | 2000 |
| 3rd offense | - | - | - | - | - | 800 | 400 ⁴ | - | 3000 |
| Subs offense | - | - | - | - | - | - | - | 1000 | 10000 |
| A.C. 24-524(f) 15 RCNY 19.1-02.1 | Failure to comply with terms of permit reporting requirements | - | - | - | - | - | - | - | |
| 1st offense | - | 250 | 125 ² | - | - | - | - | - | 1000 |

| | | | | | | | | | |
|--|---|-------------|-----------|-------------|------------------------|-------------|-----------|--------------|--------------|
| <u>2nd offense</u> | - | - | - | <u>500</u> | <u>250[†]</u> | - | - | - | <u>2000</u> |
| <u>3rd offense</u> | - | - | - | - | - | <u>800</u> | <u>NO</u> | - | <u>3000</u> |
| <u>Subs offense</u> | - | - | - | - | - | - | - | <u>1000</u> | <u>10000</u> |
| <u>A.C. Title 24, Ch.5</u> <u>A.C. Title 24, Ch.5-A</u> <u>15 RCNY Ch.19</u> <u>15 RCNY Ch.19.1</u> | <u>Miscellaneous Administrative Code/Rule violation</u> | | | | | | | | |
| <u>1st offense</u> | | <u>500</u> | <u>NO</u> | | | | | | <u>1000</u> |
| <u>2nd offense</u> | | | | <u>1000</u> | <u>NO</u> | | | | <u>2000</u> |
| <u>3rd offense</u> | | | | | | <u>2500</u> | <u>NO</u> | | <u>3000</u> |
| <u>Subs offense</u> | | | | | | | | <u>5000</u> | <u>10000</u> |
| <u>A.C. Title 24, Ch.5</u> <u>A.C. Title 24, Ch.5-A</u> <u>15 RCNY Ch.19</u> <u>15 RCNY Ch.19.1</u> | <u>Any serious Administrative Code/Rule violation</u> | | | | | | | | |
| <u>1st offense</u> | | <u>2500</u> | <u>NO</u> | | | | | | <u>5000</u> |
| <u>2nd offense</u> | | | | <u>5000</u> | <u>NO</u> | | | | <u>10000</u> |
| <u>3rd offense</u> | | | | | | <u>7500</u> | <u>NO</u> | | <u>10000</u> |
| <u>Subs offense</u> | | | | | | | | <u>10000</u> | <u>10000</u> |

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**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Promulgation of Penalties for Violation of Sewer Control Rules

REFERENCE NUMBER: 2018 RG 113

RULEMAKING AGENCY: Department of Environmental Protection

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: November 14, 2018

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Promulgation of Penalties for Violation of Sewer Control Rules

REFERENCE NUMBER: 2018 RG 113

RULEMAKING AGENCY: Department of Environmental Protection

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Mitigated penalties are available as set forth in the proposed rule

/s/ Jacob Watkins
Mayor's Office of Operations

November 14, 2018
Date