

§3-104 Community Right-To-Know Law Penalty Schedule

COMMUNITY RIGHT TO KNOW LAW PENALTY SCHEDULE

For a description of mitigating and aggravating (Mit/Agg) factors, see the listing at the end of this penalty schedule.

A second or subsequent offense is a violation by the same respondent of Section 24-706, 24-711, 24-712 or 24-718 within five years of having been found in violation of the same section.

All citations are to Title 24, Chapter 7, of the NYC Administrative Code (Community Right-To-Know Law).

Section	Description	Offense	Penalty	Default	Stip-ulation	Mit/Agg
24-706a	Failed to file a completed Facility Inventory Form	1st	\$500	\$5000	Yes	CIJKL
		2nd	\$3500	\$10000	No	ADIJKL
		3rd	\$7500	\$20000	No	BEIJKL
	Failed to file a facility inventory update	1st	\$500	\$5000	Yes	CIJKL
		2nd	\$3500	\$10000	No	ADIJKL
		3rd	\$7500	\$20000	No	BEIJKL
24-706b	Failed to submit a Material Safety Data Sheet	1st	\$500	\$5000	Yes	IJKL
		2nd	\$3500	\$10000	No	AIJKL
		3rd	\$7500	\$20000	No	BIJKL
24-706c	Failed to make copy of FIF or MSDS available at facility	1st	\$500	\$5000	No	IJKL
		2nd	\$3500	\$10000	No	IJKL
		3rd	\$7500	\$20000	No	IJKL
24-711	Failed to properly label hazardous substance	1st	\$500	\$5000	No	FIJKL
		2nd	\$3500	\$10000	No	FIJKL
		3rd	\$7500	\$20000	No	FIJKL

24-712	Failed to give access to inspect facility	1st	\$2500	\$20000	No	GH
		2nd	\$5000	\$20000	No	GH
24-718	Failed to properly file risk management plan	1st	\$1000	\$5000	No	IJKL
		2nd	\$3500	\$10000	No	AIJKL
		3rd	\$7500	\$20000	No	BIJKL

COMMUNITY RIGHT-TO-KNOW LAW

Table of Violations - Mitigating and Aggravating Factors

Note: All additions and subtractions are cumulative, except that factors J and K cannot be applied together, and factors A, B, and L may only be applied when at least one aggravating factor is also present (i.e., they cannot be used to reduce the penalty to less than the legal minimum).

Note: Where the application of multiple aggravating factors would cause the legal maximum penalty to be exceeded, the legal maximum penalty (same as the default penalty) shall be imposed.

EHS = Extremely Hazardous Substance (as defined in §24-702(h))

A	Subtract \$1750 for compliance by first hearing date.
B	Subtract \$3750 for compliance by first hearing date.
C	Add \$250 if there are any EHS stored at the facility.
D	Add \$1750 if there are any EHS stored at the facility.
E	Add \$3750 if there are any EHS stored at the facility.
F	Add \$100 for each unlabeled non-EHS hazardous substance more than one; add \$2000 for each unlabeled EHS.
G	Add \$1000 if there are 25 or more hazardous substances stored at the facility; add \$5000 if there are more than 50 hazardous substances stored at the facility or if any EHS are stored at the facility. NOTE: This factor may only be applied until the legal maximum penalty has been reached.
H	Add \$5000 for willful refusal to allow access to the facility, or physical interference with or obstruction of the inspection.
I	Add \$1000 if there was an emergency response to the facility.
J	Add \$2500 if there was a release of a hazardous substance at the facility.

- K Add \$4500 if release of a hazardous substance at the facility resulted in injury to any person, or injury to plant or animal life, or damage to property or business.
- L Subtract \$250 where the existence of the violation was voluntarily disclosed to DEP by respondent.