



DEE-22: Petroleum Bulk Storage Inspection Enforcement Policy - Penalty Schedule

PBS PENALTY SCHEDULE

	6 NYCRR	Violation	Penalty Range	Average Penalty
1.	612.2	Failure to register	\$500 - 5,000	\$1,000
2.	612.2(e)	Failure to display certificate	100	100
3.	612.2	Registration not current and valid	100 - 1,000	1,000
4.	613.3(b) (4), 614.5(d)	Monitoring wells at facility are not marked		500
5.	613.9(b)	Tanks not permanently closed	500 - 5,000 per tank	2,000 per tank
6.	613.9(a)	Temporarily out of service	250 - 1,000 per tank	500 per tank
7.	613.8	Unreported spill *May also be subject to Navigation Law penalties, pursuant to N.L. §200		500
8.	613.8	Spill in sump of fill port *May also be subject to Navigation Law penalties, pursuant to N.L. §200	2,500 -7,500	5,000
9.	613.3(d)	Top sumps or fill ports not being maintained	100 - 250 per tank	200 per tank
10.	613.3(b)	Fill port not properly color coded		100 per fill port
11.	613.3(c)	Shear valve		500 per tank
12.	613.3(d)	Shut-off valves		250 per tank
13. a,b,c,e,f	614.2(a), 614.3(a) (1), 614.7(d), 614.14	New UST requirements		5,000 per tank
13. d,g	614.2	No overfill protection or more than 1 check valve		500 per tank

13.h	614.3(a)(1) (i-vii)	No labeling at fill port		100 per tank
13.h	614.3(a)(2)	No plate label on tank		100 per tank
13. i	614.7	No "as built" plans		1,000 per facility
14.	613.5(b)(3)	No leak detection performed		2,500 per facility
15.	613.3(d)	Leak detection equipment not properly maintained		2,500 per facility
16.	613.5(b)(4)	Monitoring records not being maintained on premises for leak detection		1,000 per facility
17.	614.5(b)	No interstitial monitoring		250 per tank
18.	613.5(b)	Failure to monitor cathodic protection Tanks and piping		500 per tank
19.	613.5(b)	Failure to monitor cathodic protection Tank		250 per tank
20.	613.5(b)	Failure to monitor cathodic protection Piping		250 per tank
21.	613.5(b)(4)	Failure to maintain records of cathodic protection		250 per facility
22.	613.3(d)	Failure to maintain cathodic protection system		1,000 per tank
23.	613.5(b)(2)	Failure to properly perform cathodic protection testing		250 per tank
24.a	613.4	Failure to keep any inventory records		5,000 per facility
24.b	613.3(a)& (d)	Measuring device is in poor condition		200 per facility
24.c	613.4(a)	Failure to properly reconcile inventory		2,500 per facility
24.d	614.4(d)	ECL 17-1007 Failure to reconcile every 10 days		1,000 per facility
25.	613.4(a)(2)	Unmetered tank without alternative leak detection		500 per tank
26.	613.5	Tank not tightness tested		5,000 per tank
27.	613.5	Entire system not tested		1,500 per tank
28.	613.5	Piping associated with tank not tested		1,500 per tank

29.a	614.8(a)	Tank is not made of welded steel		5,000 per tank
29.b	614.8(a)	Tank is not protected from corrosion		1,500 per tank
29.c	614.8(a)	Tank bottom is not protected from corrosion		5,000 per tank
29.d	614.8(a)	Tank doesn't have a double bottom or is not underlain by impervious barrier		5,000 per tank
30.	613.6(a)	No monthly inspections		500 per tank
31.	613.6(c)	Monthly inspection reports either not maintained or insufficient		250 per tank
32.	613.6(b)	10 year inspection not performed		10,000 per tank
33.	613.6(c)(1)	10 year inspection either not maintained or insufficient		2,500 per tank
34.	613.3(c)(6)(i)	No secondary containment		10,000 per tank
35.	613.3(d)	Failure to properly maintain secondary containment		5,000 per tank
36.	613.3(c)(6)(iii)	Dike valves		5,000 per tank
37.	613.3(c)(6)(i)	No appropriate secondary containment		1,000 per tank
38.	613.3(d)	Failure to maintain secondary containment equipment		500 per tank
39.	613.3(c)(3)	No overfill prevention system		250 per tank
40.	613.3(d)	Gauge for overfill prevention not properly maintained		250 per tank
41.	613.3(c)(3)(ii)	Tank not properly labeled		100 per tank
42.	613.3(c)(2)	Tank is not equipped with shutoff valve		500 per tank
43.	613.3(d)	Shutoff valve not properly maintained		250 per tank
44.	613.3(c)(4)	No check valve		250 per tank
45.	613.3(d)	Check valve not properly maintained		100 per tank
46.	613.3(c)(5)	No operating drain on tank		500 per tank
47.	613.3(d)	Operating drain not properly maintained		250 per tank

Aggravating / Mitigating Factors

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Aggravating Factors	Mitigating Factors
1. Duration of violation - long term	1. Duration of violation - short term
2. Multiple facility owner	2. Minor violation
3. Continuing violation	3. Ability to pay
4. Intentional violation	4. Prior owner responsibility
5. Failure to correct violation(s) actually known to the owner/operator	5. Number of tanks - few
6. Number of tanks - many	6. Facility capacity - small
7. Facility capacity - large	7. Compliance with NOV
8. Non-compliance with NOV	8. Compliance with Part 614 (for a no inventory records violation)
9. Actual environmental or human health harm resulted from the violation(s)	