

# HOSPITALITY INDUSTRY GUIDE

*to Environmental Compliance  
in New York City*



This guide has information and guidance for the hospitality industry on certain areas that the New York City Department of Environmental Protection (DEP) oversees.

All businesses need water and safe sanitary systems. Our shared environment in New York is affected by how businesses are run with respect to the noises we create and the air we breathe. Together we can work to strike a balance of all of these factors to build a healthy, sustainable, and prosperous city.



**NYC** Environmental  
Protection

The Mission of the New York City Department of Environmental Protection is to protect public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

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# NOISE



The New York City Noise Code contains many sections that apply to restaurants, hotels, and other food service and nightlife establishments.

The noise code sets decibel (dB)\* standards for measuring noise levels within your neighboring residential buildings. Specific information about allowable decibel ranges will be outlined in this section.

This guide will explain how the noise code affects your business by focusing on the following five areas:

**A) Construction Activities**

**B) Circulation Devices**

**C) Commercial Music**

**D) Refuse Compacting Vehicles**

**E) Vending Vehicles**

\* The Noise Code sets sound level standards using the decibel (dB), an international standard for measuring sound. Familiar sounds and their dB levels are measured at a person's distance from the sound source in the "A" weighted scale, also known as dB (A), which attempts to simulate human hearing.

**A) CONSTRUCTION ACTIVITY**

- You are allowed to conduct construction on your business property between 7 am and 6 pm on weekdays. At all other times, including anytime on the weekends, you must get/apply for after-hours authorization.
- Any person or business doing construction in the city must develop a Noise Mitigation Plan (which explains what you will do to reduce construction noise) before the start of construction or renovation.
  - You will need to check off that you have a Construction Noise Mitigation Plan in your Department of Buildings application for a construction permit.
  - If you are seeking an after-hours construction permit with the Department of Buildings or Department of Transportation (i.e., a variance), you must have your noise mitigation plan already in place.
  - All plans need to be filed with DEP. Information on Noise Mitigation and forms to be filed can be viewed at [nyc.gov/dep/construction-noise](http://nyc.gov/dep/construction-noise)
- If nearby construction impacts your business, make sure to call 311 to report a complaint.
- To avoid fines, be sure that your contractor(s) is aware of these construction activity requirements.

## **B) CIRCULATION DEVICES**

Circulation devices include air conditioning equipment, exhaust fans, pumps, and blowers. These devices are generally found operating in the food service and hospitality industries.

The noise code sets the following decibel standards:

- 42 dB (A) is the maximum sound level for a single circulation device when measured by an inspector using a meter. Readings are taken from a point within the premises 3-feet from an open door or window.
- 45 dB (A), in the aggregate, is the maximum sound level for multiple devices as listed above, as measured within a residence.
- When we receive a noise complaint, we contact the person who filed the complaint and arrange an appointment to measure noise levels.
- A visit to your business by one of our inspectors may require you to shut down your equipment for a short time so noise levels can be accurately measured. We will make every effort to accommodate your business to avoid unnecessary disruptions.
- You and your contractor must carefully consider the placement of air conditioners and circulation devices. Be mindful when placing these devices on rooftops or near residential buildings because they are noisy and often drive complaints.
- Proper maintenance and frequent examinations of your equipment can help you avoid costly violations.

### ***Zero Penalty for First Violation of Circulation Device Rules***

DEP recommends a “zero penalty” policy to the City’s Environmental Control Board as an incentive for business owners with a first-time violation to fix the problem and comply with the City’s noise code.

If you want to take advantage of the zero penalty option when our inspector finds your business in violation of the noise code, you must follow these steps:

- Admit liability to the violation.
- File a certification with DEP that includes a letter on a contractor’s or consultant’s letterhead with proof that improvements have been made.
- Take measurements that substantiate that the circulation device is in full compliance with the sound levels described in the NYC Administrative Code, Section 24-227 (detailed above).

**NOTE:** The application for Zero Penalty is mailed along with the Notice of Violation.

The zero penalty rule is a progressive way to help businesses like yours to comply with the noise code. The money that you would have paid for the violation (\$560 for a first offense) can be used to mitigate the noise problem so that additional fines can be avoided.

If you do not fix the problem causing the noise code violation, we may issue you more violations, adding to your costs and hurting your bottom line.

## C) COMMERCIAL MUSIC

Commercial music is defined as any music coming from a commercial establishment like your restaurant, hotel, or nightlife establishment. It includes live performances or recorded audio content.

We understand that music and entertainment in the hospitality industry are critical for the economy of New York City and the operation of your business. That is why the noise code attempts to balance the need of residential neighborhoods to have a reasonable quality of life, while also supporting a vibrant and flourishing hospitality industry.

Commercial establishments that play music must limit the level of noise that escapes onto the streets or into nearby residences by not exceeding any of the following sound levels:

- 42 dB(A) as measured within nearby residences.
- 7 dB(A) above the ambient noise level, as measured on a street or public right-of-way 15 feet or more from your business, between 10:00 PM and 7:00 AM.
- 10 dB(A) above the ambient noise level, as measured on a street or public right-of-way 15 feet or more from your business, between 7:00 AM and 10:00 PM.

Our inspectors will be as least disruptive as possible while conducting a noise inspection at your business.

### **Zero Penalty for First Violation of Commercial Music Rules**

DEP recommends a “zero penalty” policy to the City’s Environmental Control Board as an incentive for business owners with a first-time violation, measured within nearby residences, to fix the problem and comply with the City’s noise code.

If you want to take advantage of the zero penalty option when our inspector finds your business in violation of the noise code, you must follow these steps:

- Admit liability to the violation.
- File a certification with DEP that includes a letter on a contractor’s or consultant’s letterhead with proof that improvements have been made.
- Take measurements that substantiate that the commercial music is in full compliance with the sound levels described in the NYC Administrative Code, Section 24-231 (detailed above).

NOTE: The application for Zero Penalty is mailed along with the Notice of Violation.





The zero penalty rule is a progressive way to help businesses like yours comply with the noise code. The money that you would have paid for the violation (\$3,200 for a first offense) can be used to mitigate the noise problem so that additional fines can be avoided.

If you do not fix the problem causing the noise code violation, we may issue you more violations, adding to your costs and hurting your bottom line.

### **Video and Acoustical Tool Guide**

We have put together an informational video that can help you understand DEP's regulations of commercial music, and how we measure sound levels during inspections.

The video can be viewed at: [nyc.gov/dep/howtovideos](http://nyc.gov/dep/howtovideos).

The acoustical tool guide ([nyc.gov/dep/noisecontrol](http://nyc.gov/dep/noisecontrol)) provides you with specific information on a range of acoustical products, vendors, and professional services available to help control the sound and vibration coming from your business.

These acoustical tools, when appropriately incorporated into your business, should help reduce noise, and help you achieve compliance with the noise code.

### **Projecting Sounds onto Sidewalk**

Please note that it is unlawful to use any sound reproduction devices (like musical instruments, tape recordings, or electronic sound amplifying systems) that project music onto sidewalks and streets to draw attention to your business. Be very careful when planning the arrangement of your sound equipment, and try to avoid placing any devices near doors or window openings so that you are in compliance with the noise code.

## **D) PRIVATE WASTE CARTING VEHICLES**

The hospitality industry relies on the private carting industry for collecting refuse. You should be aware of the decibel levels that the noise code sets for carting vehicles. Please note that residents often file complaints on the noise created by the private carting vehicles when they crush or compact your picked-up refuse.

The rules are as follows:

- When your private carter's vehicle is not compacting picked-up refuse, the maximum noise levels it produces may never exceed 80 dB(A) when measured at a distance of 35 feet or more from its compacting unit.
- When your private carter's vehicle is collecting refuse between 11:00PM and 7:00 AM, the maximum noise levels it produces within 50 feet of a residence cannot exceed 80 dB(A) when measured at a distance of 35 feet or more from the vehicle.

You should check that your private carter meets these requirements.

It can also help if you speak with your carter about schedules and timing of

your pick-up to minimize any noise complaints in your neighborhood.

## **E) VENDING VEHICLES**

With the expanding popularity of food trucks, it is useful to know that the noise code prohibits the use of electrically-operated or electronic sound signals, including jingles, when a vending vehicle is parked on a public street. Music may only be played while the vehicle is moving through neighborhood streets.

# AIR POLLUTION



The Air Code prohibits the emission of odorous air contaminants that can be harmful to a person or become a nuisance to any person or may cause damage to a property. If we receive a complaint concerning smoke or odor coming from a business, one of our inspectors will be sent to take observations of the conditions. If the inspector observes conditions that cause discomfort, a violation may be issued.

The City has recently enacted a new Air Code which may affect businesses in the hospitality industry. You should consult with your exhaust systems specialist to see if the new rules will affect your business. If you use a charbroiler or a wood- or coal-fired cook stove, the following new rules may apply to your business:

Effective May 6, 2016:

## **UNDER-FIRED CHARBROILERS**

- If you open a new business that cooks more than 875 pounds of meat\* per week, you have to install an emission control device into your exhaust system
- If you own an existing business that cooks more than 875 pounds of meat\* per week, you will be subject to similar regulations on or after January 1, 2018.
- On or after January 1, 2020, businesses that cook 875 pounds of meat or less per week may be subject to similar regulations.
- Restaurants using under-fired charbroilers must register with DEP. The form can be found here (see “Industrial Processes/Generators...” near bottom of page): [nyc.gov/html/dep/html/air/air\\_code\\_related\\_forms.shtml](http://nyc.gov/html/dep/html/air/air_code_related_forms.shtml)

## **CHAIN-DRIVEN CHARBROILERS**

- If your new or existing business uses a chain-driven charbroiler that cooks more than 875 pounds of meat\* per week, you have to install an emission control device into your exhaust system.
- On or after January 1, 2018, the Commissioner may promulgate rules for existing chain-driven charbroilers that are used to cook 875 pounds or less of meat\* per week.
- Restaurants using chain-driven charbroilers must register with DEP. The form can be found here (see “Industrial Processes/Generators...” near bottom of page): [nyc.gov/html/dep/html/air/air\\_code\\_related\\_forms.shtml](http://nyc.gov/html/dep/html/air/air_code_related_forms.shtml)

\*Meat is defined as including, but not limited to, beef, lamb, pork, poultry, fish or seafood.

You can consult with the rule requirements here:

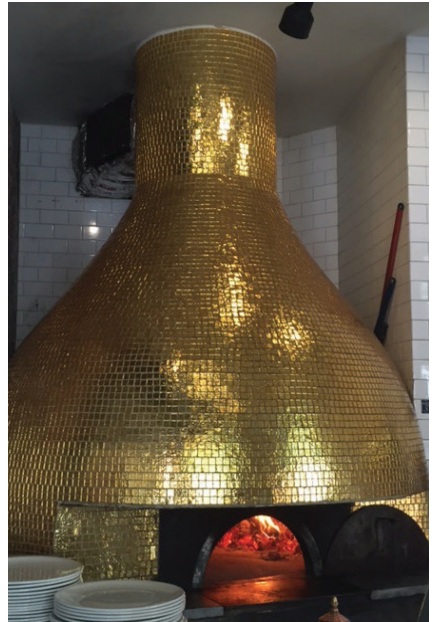
<http://rules.cityofnewyork.us/content/emissions-control-devices-commercial-char-broilers>

## WOOD- OR COAL-FIRED OVENS (COOK STOVES)

Under the new code, wood- or coal-fired cook stoves used at food service establishments need to be equipped with either a wet scrubber, electrostatic precipitator or air filtration device to control emissions for odors, smoke and particulates that meets the requirements of standards under newly established rules:

- On or after May 24th, 2017 newly installed cook stoves must comply and need to install emission control devices listed above.
- Existing cook stoves (those installed before May 6, 2016) do not have to install emission control devices until January 1, 2020.

You can consult with the rule requirements here <http://rules.cityofnewyork.us/content/control-devices-reducing-emissions-cook-stoves-food-service> and refer your design contractors to the New York City Department of Buildings for permitting requirements.



# WATER



New York is extremely fortunate to have one of the most reliable and cleanest drinking water systems in the world. Drinking water is protected from the moment the rain falls to earth until it reaches your tap. The hospitality industry especially depends on this precious resource, whether a business is producing world class cuisine at a restaurant or serving delicious beverages in a vibrant nightlife establishment.

Please consider the following tips and precautions which will not only help protect the city's water resources, but also help your business save money on water bills.

- Conservation – Be mindful of wasteful water use habits. For example, in restaurants, serve tap water to customers only upon request. You may also want to consider low-flush toilets and urinals, and water-efficient dishwashers.
- Check for leaks – Check all of your bathroom and kitchen fixtures for leaks, and hire a contractor or licensed plumber to search for hidden leaks under flooring or other “hard to get at” spots. A leaking toilet can waste up to 250 gallons of water per day – which will drive up your water bill.

DEP offers many ways to pay your water and sewer bill, but the most efficient method is to sign-up for My DEP Account at [nyc.gov/mydep](https://nyc.gov/mydep). You may also download the My DEP smartphone app for iOS and Android.

Creating a profile on My DEP Account allows you to easily manage your water and sewer bills in several new ways:

- Monitor and track your daily water usage.
- Receive leak notifications.
- View and pay your bill online.
- Sign up for paperless billing.
- Track the status of a billing dispute.
- View your payment history.

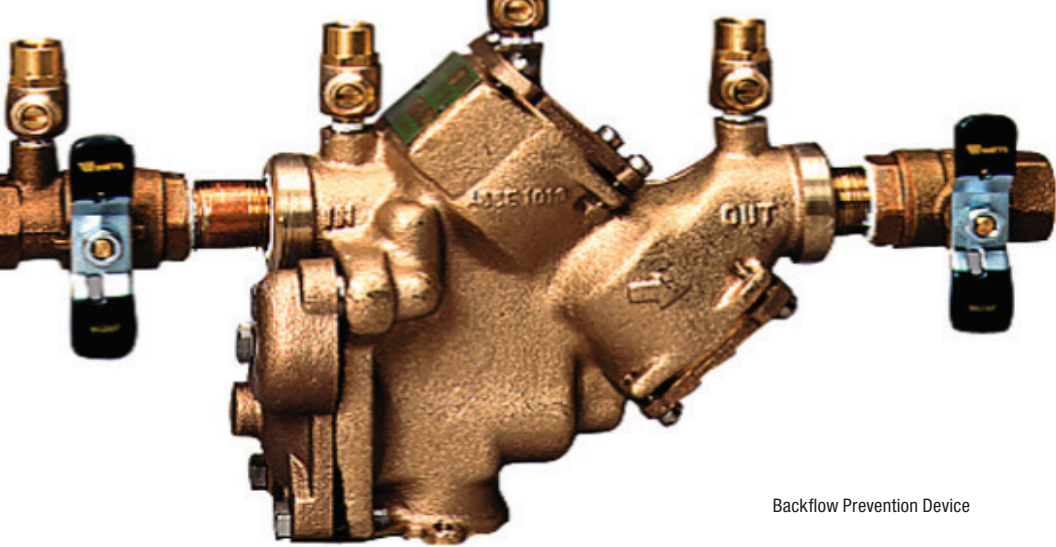
## **CROSS-CONNECTION CONTROL PROGRAM**

### Installation of Backflow Prevention Devices

DEP is responsible for providing a safe drinking water supply to nearly nine million NYC and upstate residents. The City's water quality monitoring program includes extensive water sampling at about 1,000 fixed stations throughout the five boroughs.

Our “Cross-Connection Control Program” is a key component for protecting the City's water supply and providing the high quality of water needed for your food preparation and hospitality business.

Owners of properties that pose an actual or potential risk of contaminating the City's water supply must install approved Backflow Prevention Devices (BPDs) on all water service lines that supply their buildings. These devices



Backflow Prevention Device

prevent contaminating liquids, like wastewater and/or chemicals, from flowing back into the public water supply if there is a sudden change in water pressure. Backflow Prevention Devices are mandated by the New York State Health Code and by the City's rules.

Please follow the steps here to comply with the law and help ensure the City's water supply is safe for drinking, cooking, and all culinary/food prep activities: [nyc.gov/html/dep/html/forms\\_and\\_permits/backflow.shtml](https://nyc.gov/html/dep/html/forms_and_permits/backflow.shtml).

Please also view our business "how-to" video to learn more about Backflow Prevention Devices: [nyc.gov/dep/howtovideos](https://nyc.gov/dep/howtovideos).

## **GREASE INTERCEPTORS (GREASE TRAPS)**

If you cook, serve food, and/or wash dishes, utensils, trays, or other items at your establishment, you are required to install and maintain proper grease interceptors, also known as "grease traps."

Grease interceptors capture oils and grease from equipment such as food scraper sinks, pot wash sinks, woks, floor drains in kitchens, and other food preparation areas. Grease interceptors prevent oil and grease from clogging sewer lines, which can lead to sewage backups in your establishment and may require you to temporarily close your business.

### ***Installing a grease interceptor***

Only a NYC Licensed Master Plumber (LMP) is qualified to install grease interceptors. The configuration of your kitchen and the equipment you have will determine the proper sizing of your grease interceptor(s).

Your LMP, New York State Licensed Professional Engineer (PE) or New York State Registered Architect (RA) can determine the proper size of your interceptors.



If your grease interceptors are not properly sized you may have to replace them, possibly costing your business several thousand dollars in expenses.

Learn more about grease regulations by visiting:

[nyc.gov/html/dep/pdf/nyc\\_fog\\_bmp.pdf](http://nyc.gov/html/dep/pdf/nyc_fog_bmp.pdf).

### ***Maintaining a grease interceptor***

Proper maintenance and cleaning of grease interceptors is important to ensure that they work correctly. Make sure that you clean devices as frequently as required by the manufacturer. If you do not clean your grease interceptor as needed, it will not capture grease, and may result in a clogged sewer line that can lead to sewage overflows. You could also get a violation from us for not properly cleaning and maintaining your grease interceptor.

To clean the interceptor (if you do not have an automatic self-cleaning device):

- Remove the cover and scoop out any oil and grease that has collected on top.
- Remove all solid food, grease, oils, and debris that have settled at the bottom and sides of the interceptor.
- Discard this waste in a secure garbage bag and have it collected by a licensed NYC Business Integrity Commission (BIC) private carter. Some licensed carters may also be qualified to clean your grease interceptors.

### **USED COOKING OIL (“YELLOW GREASE”)**

Used cooking oil (UCO) must be recycled by a licensed BIC private carter. You should keep the receipts for your UCO pickups at your business establishment for at least one year. More information on licensed oil and grease haulers can be found at: [nyc.gov/html/bic/downloads/pdf/pr/licapproved.pdf](http://nyc.gov/html/bic/downloads/pdf/pr/licapproved.pdf)

For more information on grease and other requirements please also see our video series at: [nyc.gov/dep/howtovideos](http://nyc.gov/dep/howtovideos).

For more information concerning any regulations affecting your business please visit us at [nyc.gov/dep](http://nyc.gov/dep) (see “Support for Businesses” on left side of page) or call 718-595-4436.





Visit DEP's Website at:  
[nyc.gov/dep](http://nyc.gov/dep)



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