



March 10, 2023

Rohit Aggarwala
Commissioner

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Honorable Eric Adams
Mayor
The City of New York
City Hall
New York, NY 10007

Re: Local Law 53 and 58 Noise and Air Reports for Calendar Year 2022

Dear Mayor Adams:

Attached are the Local Law Noise and Air Reports for Calendar Year 2022 as required by Local Laws 53 and 58 of 2018.

Local Law 53 documents the number of noise inspections, with a focus on the number of noise complaints received by the Department of Environmental Protection related to after-hours noise complaints and response time to those complaints as well as the number of summonses issued.

Local Law 58 details the number of idling violations issued by the Department of Environmental Protection as well as the number of citizen complaint filings and the civil penalties imposed for each enforcement action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rohit T. Aggarwala'.

Rohit T. Aggarwala

c. Hon., Adrienne Adams Speaker New York City Council



Local Law 53 Annual Report Calendar Year 2022

This report details the number of noise inspections, with a focus on the number of noise complaints received by the Department of Environmental Protection (DEP) related to after-hours noise complaints and response time to those complaints as well as the number of summonses issued.

The answers below describe the status of the DEP's implementation of the law and respond to the specific questions posed in the legislation.

1. What is the number of inspectors employed by the department?

There are 71 Air and Noise Inspectors.

2. What is the number of complaints regarding noise received by the department, disaggregated by the type of noise?

Noise Complaints CY 2022	Noise: Barking Dog	7,311
	Noise: Ice Cream Truck	1,508
	Noise: Other Animals	308
	Noise: Lawn Care Equipment	958
	Noise: Alarms	5,400
	Noise: Boat (Engine, Music, Etc.)	314
	Noise: Construction Before/After Hours	17,625
	Noise: Construction Equipment	7,516
	Noise: Jack Hammering	2,287
	Noise: Loud Music From Siebel System	339
	Noise: Loud Music/Daytime	7
	Noise: Loud Music/Nighttime	25
	Noise: Manufacturing Noise	144
	Noise: Other Noise Sources	20
	Noise: Private Carting Noise	749
	Noise: Vehicle	2
	Noise: Air Condition/Ventilation Equipment	3,946
	Total:	48,459

3. What is the number of after-hours noise complaints responded to within the amount of time prescribed by rule as well as the number of duplicative after-hours noise complaints?

There were 4,447 duplicative after-hours noise complaints. All after-hours noise complaints follow the prescribed protocol contained in the attached rule.

4. What is the number of non-violation resolution to complaints?

Out of the 48,459 complaints, there were 595 summonses issued in CY 2022.

5. What is the number of noise related violations issued for after-hours complaints?

For after-hours, 123 summonses were issued.

6. What is the number of such violations that were dismissed for after-hours complaints?

There were 9 dismissed, as shown on Column E of the attached spreadsheet.

7. What is the amount of civil penalties paid pursuant to after-hours summonses?

Please see Column G of the attached spreadsheet, \$106,725.27

8. What is the number of alternative noise mitigation plans approved pursuant to section 24-221 of the Noise Code?

There were 568 approved.

9. What is the number of written stop work orders issued pursuant to section 24-223.1 of the Noise Code?

None were issued.



NOTICE OF ADOPTION OF FINAL RULE

New York City Department of Environmental Protection

Notice is hereby given pursuant to the authority vested in the Commissioner of Environmental Protection by Section 1403(d) of the City Charter and Sections 24-204 and 24-207(e) of the Administrative Code, that the Department promulgates and adopts rules that prescribe specific time frames for inspections in response to after hours noise complaints received by the Department.

Statement of Basis and Purpose of Rule

Local Law 53 of 2018 added a new subdivision (e) to Section 24-207 of the Administrative Code. This new subdivision requires the commissioner to prescribe specific time frames for inspections in response to after hours noise complaints received by the department to ensure that inspections are most likely to occur at a time that the alleged noise is continued from the time of such complaint, or at a time when the alleged noise is likely to be repeated.

DEP promulgates these rules, as required by section 24-207(e), to establish the method and strategy to inspect after hours complaints when the noise will still be continuing and/or likely to be repeated.

DEP received a comment from one individual requesting that an actual numerical value be tied to the inspection process to clearly set forth the parameters for when the after hours inspection must occur. That suggested revision is captured in this rule.

Consistent with the above, DEP promulgates the following rule to be found at Chapter 52 in Title 15 of the Rules of the City of New York.

Final Rule

Section 1. Title 15 of the Rules of the City of New York is amended by adding a new Chapter 52 to read as follows:

Chapter 52 After Hours Noise Complaints

§ 52-01 After Hours Response Time at Construction Sites.

(a)(1) When a complaint is made to the Department of Environmental Protection (DEP) concerning after hours noise at a construction site, DEP staff will determine whether an after

hours variance has been issued pursuant to Section 24-223(a) of the New York City Noise Control Code by the Department of Buildings (DOB). If there is no variance, an inspection will be conducted the same day if the complaint is received during likely working hours. If the complaint is not received during likely working hours, the inspection will be conducted the following weekend or during the same after hours period, as applicable.

(2) For locations with a DOB variance, an inspection will be conducted during the next time period during which the after hours variance is in effect.

(b) For locations with a DOB variance, DEP will prioritize inspections based upon the number of complaints received per location on a given day.

(c) DEP staff should also monitor after hour complaints to identify situations where complaints have been received about three or more construction sites within a one mile radius of each other and were received within four hours of each other. Where feasible and when such complaints were received during likely working hours, the inspections will be conducted at such locations whether or not there is a variance.

(d) (1) If an after hours complaint is received regarding noise occurring on a weekday, DEP staff shall inspect the location the following weekday.

(2) If an after hours complaint is received regarding noise occurring on a weekend, DEP staff shall inspect at least 95% of such complaints the following weekend, and the remaining percentage of such complaints, if any, shall be inspected the weekend thereafter.

§ 52-02 After Hours Response Time for Street Work

(a) When a complaint is reported to DEP concerning after hours noise from street construction, which would require an after hours variance from the Department of Transportation (DOT), DEP staff will check the DOT website. If there is no variance, or a variance only for that one day, an inspection will be conducted that day or night. If it is unclear from the website if there is a variance, or if there is a variance within the first three days of receiving such complaint, DEP will conduct an inspection to ascertain if there is a DOT permit and to monitor for noise. DEP staff should inspect 75% of all street construction complaints within three days or less. The remainder of the 25% of complaints should be inspected by the fourth day.

(b) DEP staff should also monitor after-hour complaints to identify situations where three or more complaints relate to the same work location and are received within four hours of each other. Where feasible and the three or more complaints are received within working hours, the inspection will be conducted for those locations whether or not there is an after hours variance.



Local Law 58 Annual Report Calendar Year 2022

This report details the number of idling violations issued by the Department of Environmental Protection as well as the number of citizen complaint filings and the civil penalties imposed for each enforcement action.

The answers below describe the status of the DEP's implementation of the law and respond to the specific questions posed in the legislation.

1. What are the number of notices of violation filed with OATH, including the penalties for such violations?

Please see the attached spreadsheet. There were 36,261 summonses issued in CY 2022. The amount imposed was \$8,365,950.

2. What are the number of 311 idling complaints disaggregated by borough?

SUMMARY 2022	
TOTAL COMPLAINTS	8,447
BRONX	346
BROOKLYN	1,236
MANHATTAN	5,286
QUEENS	1373
STATEN ISLAND	206

3. What are the number of citizen complaints filed with DEP (disaggregated by borough)?

SUMMARY 2022	
TOTAL COMPLAINTS	48,979
BRONX	275
BROOKLYN	8,100
MANHATTAN	34,608
QUEENS	5,850
STATEN ISLAND	146