



October 18, 2021

Honorable Bill de Blasio
Mayor
The City of New York
City Hall
New York NY 10007

Vincent Sapienza, P.E.
Commissioner

Honorable Corey Johnson
Speaker
New York City Council
City Hall
New York NY 10007

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Flushing, NY 11373

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Re: Report on Retrospective Review of Violations Required by Local Law 35/13

Dear Mayor de Blasio and Speaker Johnson:

Attached is the report required by Local Law 35 of 2013.

DEP performed the retrospective review required by Local Law 35/13 and as a result amended the Air Code Penalty Schedule to provide for a zero penalty for violations of sections 24-155 and 24-156 of the Administrative Code, and the Noise Penalty Schedule to provide for a zero penalty for violations of section 24-227 of the Administrative Code, upon a showing that the violation had been corrected.

The attached list sets forth all existing DEP violations for which a fine may be imposed which do not have a cure period or other opportunity for ameliorative action. Mitigated penalties are not available for these infractions due to their serious nature or their not being susceptible to subsequent correction.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vincent Sapienza'.

Vincent Sapienza, P.E.

LIST OF VIOLATIONS FOR WHICH A FINE MAY BE IMPOSED FOR WHICH THERE IS NO CURE PERIOD OR OTHER OPPORTUNITY FOR AMELIORATIVE ACTION

Air Pollution Control Code & Rules

Administrative Code sections 24-108, 24-109, 24-111, 24-112, 24-113, 24-118, 24-120, 24-122, 24-123, 24-131, 24-135, 24-140, 24-141, 24-142, 24-143, 24-145, 24-146, 24-147, 24-148, 24-149, 24-149.1, 24-149.2, 24-149.3, 24-149.4, 24-149.5, 24-149.6, 24-151, 24-153, 24-154, 24-155, 24-156, 24-159, 24-160, 24-161, 24-163, 24-163.3, 24-163.5, 24-163.6, 24-163.7, 24-163.8, 24-163.9, 24-164, 24-167, 24-168, 24-168.1, 24-169, 24-173, 24-176, 24-177, 24-178

Rules of the City of New York (RCNY) 15 RCNY sections 2-09, 4-03, 4-04, 4-05, 12-04, 12-05, 12-06, 12-07, 12-08, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-18, 13-01, 13-04, 13-05, 13-06, 13-07, 13-08, 13-09, 13-10

Noise Control Code & Rules

Administrative Code sections 24-206, 24-207, 24-208, 24-209, 24-210, 24-211, 24-216, 24-218, 24-218.1, 24-220, 24-222, 24-223, 24-224, 24-225, 24-226, 24-228, 24-229, 24-230, 24-232, 24-233, 24-234, 24-235, 24-236, 24-237, 24-238, 24-239, 24-241, 24-242, 24-244, 24-245, 24-257

Rules of the City of New York (RCNY) 15 RCNY sections 28-100, 28-101, 28-102, 28-104, 28-105, 28-106

Water Code & Rules

Administrative Code sections 24-337, 24-308, 24-339, 24-346

Rules of the City of New York (RCNY) 15 RCNY sections 21-06, 21-07, 21-08, 21-09, 21-10, 21-11, 20-01, 20-02, 20-03, 20-05, 20-06, 20-07, 20-08

Sewer Code & Rules

Administrative Code sections 24-523, 24-573

Rules of the City of New York (RCNY) 15 RCNY sections 19-07, 19-10, 19-12