

# NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Notice of Public Hearing and Opportunity to Comment on Proposed Rules

**What are we proposing?** The Department of Environmental Protection is proposing to promulgate a rule to amend the Noise Code Penalty Schedule, codified in Chapter 47 of Title 15 of the Rules of the City of New York (RCNY), to conform to changes made to Chapter 28 of Title 15 of the Rules of the City of New York, related to noise monitoring at certain construction sites.

**When and where is the hearing?** DEP will hold a public hearing on the proposed rule online. The public hearing will take place at 11 am on April 3, 2026. To participate in the public hearing, please follow these instructions:

### Microsoft Teams meeting

#### Join:

<https://teams.microsoft.com/meet/27209768761472?p=k6jOvDwja75JWis8d9>

Meeting ID: 272 097 687 614 72

Passcode: Bh724bG2

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[Need help?](#) | [System reference](#)

#### Dial in by phone

[+1 347-921-5612,820187493#](tel:+13479215612820187493)

[Find a local number](#)

Phone conference ID: 820 187 493#

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the DEP through the NYC rules web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).
- **Mail.** You can mail written comments to the DEP Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th Floor, Flushing, NY 11373.
- **Fax.** You can fax written comments to the DEP Bureau of Legal Affairs, at 718-595-6543.
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rules at the public hearing must sign up to speak. You can sign up before the hearing by calling 718-595-6531. You can speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a "Question and Answer" format.

**Is there a deadline to submit written comments?** Yes, you must submit written comments by April 3, 2026.

**What if I need assistance to participate in the hearing?** You must tell DEP's Bureau of Legal Affairs if you need a reasonable accommodation because of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also

tell us by telephone at 718-595-6531, or by email at [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov). Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by March 27, 2026.

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. A few days after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at the Department's Bureau of Legal Affairs at the physical address given above or upon request by email [nycrules@dep.nyc.gov](mailto:nycrules@dep.nyc.gov).

**What authorizes the DEP to make this rule?** Section 1043 of the City Charter and sections 24-204, 24-219, and 24-221 of the Administrative Code authorize DEP to make this proposed rule. This proposed rule was included in DEP's regulatory agenda for this fiscal year.

**Where can I find DEP's rules?** DEP's rules are in Title 15 of the Rules of the City of New York.

**What rules govern the rulemaking process?** DEP must meet the requirements of Section 1043(c) of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043(b) of the City Charter.

## **Statement of Basis and Purpose of Proposed Rules**

On December 22, 2025, DEP published a final rule in the City Record adding new provisions to Chapter 28 of Title 15 of the Rules of the City of New York, which will require noise monitoring devices be employed at specified construction sites. The rule will become effective on April 21, 2026.

Among these new provisions are section 28-101(o), which specifies when and where noise monitoring devices must be used, and section 28-101(p), which sets forth the requirements for the installation and maintenance of the required devices.

In light of these changes, DEP is proposing to amend the Noise Code Penalty Schedule (15 RCNY Chapter 47) to add penalties for violation of sections 28-101(o) and 28-101(p) of Chapter 28 of Title 15 of the Rules of the City of New York, so that such sections can be enforced once they become effective.

The proposed penalties for violations of section 28-101(o) of the Rules of the City of New York reflect the existing penalties for violations of section 24-228 of the Administrative Code of the City of New York, which prohibits unreasonable noise from construction devices. The proposed penalties for violations of section 28-101(p) reflect the existing penalties for less serious charges under Chapter 28 of the Rules of the City of New York.

These penalties escalate from \$560 for a first offense to \$1,680 for a third offense for failure to use a noise monitoring device, and from \$220 for a first offense to \$660 for a third offense for failure to install or maintain a noise monitoring device as specified.

Pursuant to section 1043(d)(4)(ii), this rule is exempt from review under Charter section 1043(d).

New material is underlined.

Section 1. The table set forth in section 47-02 of Chapter 47 of Title 15 of the Rules of the City of New York is amended by adding two new entries, immediately following the entry for section 28-101(m), to read as follows:

Section of Law	Violation Description	Compliance	Offense	Penalty	Default Penalty	Stipulation or Admission
<u>15 RCNY § 28-101(o)</u>	<u>Failed to utilize noise monitoring devices at specified construction sites</u>	<u>Use noise monitoring device as specified forthwith</u>	<u>1st</u>	<u>560</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>1,120</u>	<u>1,750</u>	<u>N</u>
			<u>3rd</u>	<u>1,680</u>	<u>2,625</u>	<u>N</u>
<u>15 RCNY § 28-101(p)</u>	<u>Failed to install or maintain noise monitoring device as specified</u>	<u>Install or maintain device as specified forthwith</u>	<u>1st</u>	<u>220</u>	<u>875</u>	<u>Y</u>
			<u>2nd</u>	<u>440</u>	<u>1,750</u>	<u>N</u>
			<u>3rd</u>	<u>660</u>	<u>2,625</u>	<u>N</u>