

After Hours Construction Noise Complaint Inspection SOP as Required Pursuant to  
Section 24-207 (f) of the Noise Control Code.

Inspectors, before determining when a summons or cure period shall be issued, shall discuss with his or her supervisor the conditions at the site including but not limited to readings taken.

1. The NYC DEP Inspector will arrive at the scene of the construction noise complaint as soon as practicable during a timeframe when noise conditions in the immediate vicinity can reasonably be assumed to be similar to or representative of the conditions that were occurring during the complaint. Inspections will be conducted in accordance with the procedures to respond to an after hours complaint within a specified timeframe as set forth in 15 RCNY § 52-01 et seq.
  2. The Inspector will note on his or her inspection report, the time of day, date, location, and all audible sources that contribute to the ambient.
  3. The Inspector will verify that the operating conditions and mitigation commitments contained in applicable Noise Mitigation Plans are being fulfilled in the field as well as the accuracy and validity of the after hours variance permit.
  4. The Inspector will perform noise compliance measurements using a sound level meter meeting ANSI Standard S1.4 for “Type 1” accuracy. The calibration level of the sound level meter will be checked in the field using a portable acoustical calibrator meeting ANSI Standard S1.40 for “Class 1” accuracy. Both the sound level meter and the portable acoustical calibrator will be certified as being within manufacturer specifications at least on an annual basis.
  5. The sound level meter will be capable of measuring sound levels both with and without construction noise over a given period of time. Where the construction activity cannot be stopped, the inspector may take and register a reading while standing at the appropriate distance from the source and then walk away from source along a line that is the same distance from the first measurement to another point where the source sound emissions is no longer noticeable and stop there to take and register another reading to establish an ambient sound level. , The sound level meter will be configured to measure the sound level in the A-weighting network with the meter set to slow response.
  6. To evaluate compliance with individual construction equipment sound emission limits, the Inspector will position themselves approximately 50 feet away from the loudest side of the equipment under investigation. For cumulative construction noise compliance measurements, the Inspector will position themselves on the complainant’s receiving property line no closer than 50 feet from the source. Property line may be measured horizontally or vertically from the source.
- 6.1. (a) The inspector shall check all equipment that will be used on site. The Inspector shall review the Appendix contained in 15 RCNY Section 28-109, Federal Highway

Administration Roadway Construction Noise Model. The inspector shall check and verify the certification that the equipment has been sound tested and complies with Spec 721.560 Lmax @50 ft and is well maintained.

(b) Construction activities shall conform to the below decibels by utilizing mitigation measures to make the sound level of the construction at the work site no greater than 80 or 85 as set forth below:

i. Before July 16, 2018 construction activities shall not exceed 85 dbA for street work or at a fixed (building) site. However, no summons may be issued for decibel level exceedances. Summonses that were issued under Section 24-220 and other applicable sections that were cited prior to the enactment of LL 53 of 2018, including Section 240-220, may still be written. The issuance of the summons for decibel violations is only to be used on permits issued by DOB or DOT after July 16, 2018. Please note, the issuance of a SWO is permitted.

ii. On or after July 16, 2018, street projects may not exceed 85 decibels and are subject to a SWO and a summons.

iii. On or after July 16, 2018, a fixed site (building) shall not have an exceedance of 80 decibels and a SWO and a summons may be issued.

iv. Inspectors shall also have the ability to issue a cure notice after consultation with a superior in lieu of a first summons. The inspector shall require additional mitigation by issuing a 3 day or a 5 day cure notice, or a summons, based on the judgment of the inspector and supervisor. The inspector shall at his discretion check that all manufacturer noise mitigation equipment is in good working order such as the muffler.

6.2 Impact or impulsive noise must be taken using the protocols set forth in Section 24-218 (b)(3). The source shall be measured to determine if there is an increase measured of 15 dBA or more above the ambient as measured at any point within a receiving property or as measured at a distance of 15 or more feet from the source on a public right away. Impulsive sound levels shall be measured in the A weighting network with the meters set to fast response. Ambient sound levels shall be measured in the A weighting network with the meter set to slow response.

6.3 Interior noise shall be measured using the same protocol set forth in paragraph 6. Appropriate noise mitigation shall be used as required in 15 RCNY 28-110 of the Construction Noise Rules.

6.4 Afterhours readings for outside or interior construction may require an inspection with readings taken from a complainant's dwelling. The inspector shall take readings from inside the middle of the room with the windows and doors closed to determine if there is an exceedance of 8 decibels above the ambient as measured in the A weighting network with meter set to slow response.

7. The sound level meter will be held at arm's length and oriented to point in the general direction of the noise source(s). The microphone will be covered with a suitable windscreen. When the wind exceeds 12 MPH, noise readings shall not be taken if readings are being taken outdoors.
8. The sound level measurement will be performed for a period of a minimum of 5 minutes with the Inspector setting an alarm on his or her smart phone device so as not to preclude concentration on taking the readings. If within 5 minutes, there are no exceedances of 85 decibels, the inspector no longer needs to take any readings, the construction site is in compliance. If within 5 minutes, on or after July 16 2018, and it is a fixed site, and there are no exceedances of 80 decibels, the inspector no longer needs to take any readings. If there are exceedances of the applicable decibel level as set forth in 24-228, the inspector may issue a summons if there are four or more exceedances of the allowable decibel level. The Inspectors will use their judgement/discretion to ensure the noise source(s) in question are audible during the sound measurement, and that other extraneously loud noise sources (e.g. car horn) do not affect the measurement.
9. The results of the sound level measurements, including the construction noise, will be documented in the Inspector's notes and subsequent report and on the notice of summons if applicable.