Appendix E

Construction Noise Mitigation Plan

BAYONNE ENERGY CENTER, LLC
CONSTRUCTION NOISE MITIGATION PLAN

SEGMENT 2

NEW YORK LANDFALL IN BROOKLYN, NEW YORK:
Installation of the Transition Vaults, Upland Cables and Electrical Interconnection
IN NEW YORK WATERS:
Installation of the Submarine Cable System

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May 14, 2010

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1.0 INTRODUCTION

Pursuant to term D-69 of the Joint Proposal and Condition 13 in the Article VII Certificate, this Construction Noise Mitigation Plan (the Plan) has been prepared to minimize the effects of noise-generating activities associated with Segment 2 of the Environmental Management and Construction Plan (EM&CP) construction activities at the Brooklyn landfall and during installation of the submarine cable system for the Bayonne Energy Project. Section 2 describes the applicable regulations for controlling noise from construction activities. Section 3 describes the construction activities associated with Segment 2. Section 4 describes the components of the Plan.

2.0 REGULATORY CONTEXT

The City of New York's Noise Code[1] establishes regulations for controlling noise from construction activities that will take place at the site of the New York landfall. Section 24-220 of the New York City Administrative Code (N.Y.C.A.C.) requires that any entity performing construction work in the City "shall adopt and implement a noise mitigation plan for each construction site," in accordance with Section 28-100 of the Rules of the City of New York (RCNY).[2]

Section 28-100 states that "…every construction site where construction activities take place shall have, conspicuously posted, a complete and accurate Construction Noise Mitigation Plan." So long as the plan complies with Chapter 28, "it need not be filed with the [NYC] Department of Environmental Protection (DEP); however, such plan must be readily available for inspection at the construction site." A copy of the plan form is included in the Attachment A.[3] Specific requirements apply to vibratory hammers, dump trucks, cranes, and vacuum excavators, which have been identified as pieces of equipment that may be used during Segment 2 construction activity at the New York landfall.

In accordance with Section 28-101, the responsible party[4] shall self-certify in its Noise Mitigation Plan that all construction tools and equipment have been maintained so that they operate at normal manufacturer's operating specifications, including at peak loading. Self-certification shall be indicated on the Construction Noise Mitigation Plan form included as Attachment A.

Upon a DEP inspection of the work site, DEP shall use the noise level guidelines in Title 15 of the Rules of the City of New York, Chapter 28, "Citywide Construction Noise Mitigation," (15 RCNY 28) as a means of identifying equipment that may be the cause of a noise complaint. If DEP determines that an individual piece of equipment exceeds the specified levels in §28-109, DEP will notify the responsible party. The responsible party shall have the option to:

- Perform maintenance to mitigate the noise;
- Replace the equipment with equipment that complies with the specified level; or

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[1] Local Law 113 of 2005.
[2] Chapter 28, "Citywide Construction Noise Mitigation," Title 15 of the Rules of the City of New York, which is available on-line at http://www.nyc.gov/html/dep/pdf/noise_constr_rule.pdf.
[3] A copy of the Plan form also is available on-line at http://www.nyc.gov/dep.
[4] Responsible party" shall mean, with respect to any activity regulated or covered by these rules, the owner of the premises on or where such activity occurs, and any agent of the owner engaged in such activity or any participant in such activity, including contractors and subcontractors. Any agency of the City of New York may also be a responsible party.

- File an Alternative Noise Mitigation Plan within five (5) business days of the inspection.

An Alternative Noise Mitigation Plan application is included as Attachment B.

Section 24-222 of the N.Y.C.A.C. limits construction activity to weekdays between the hours of 7:00 a.m. and 6:00 p.m. Contractors may seek permission to work outside these hours under the provisions of Section 24-223. See Section 4 of this document for a description of construction activities that will take place outside these hours.

Section 28-101(g) of the RCNY states that when Department of Building (DOB) regulations require a perimeter barrier, or "construction fence," and the site is within 200 feet of a receptor[5] or a receiving property, perimeter noise barriers shall be fabricated in accordance with the standards set forth in Section 28-107(e). There are no requirements for a perimeter barrier for this Project.

Section 28-102(a)(1)(B)(i) of the RCNY identifies pile-driving methods that are acceptable to the DEP. Section 28-102(a)(1)(B)(ix) states that the responsible party need not utilize additional pathway controls for vibratory pile drivers, unless the responsible party is performing work within 35 feet of an indoor receptor.

Section 102(a)(2)(B)(i) of the Noise Mitigation Rules requires that either quieter jackhammer models, such as the Copco Model TEX P90S, be used, or portable noise barriers or noise enclosures be erected to completely block the line of sight between the jackhammer and any receptor within 200 feet. The requirements for noise barriers/enclosures are listed in Section 102(a)(1)(C).

Section 102(a)(3)(B)(i) of the Noise Mitigation Rules requires that either quieter models of hoe rams, such as the Bosma Hammer-Head, be used, or portable noise barriers be erected to completely block the line of sight between the hoe ram and any receptor within 200 feet. The requirements for a noise barrier are listed in Section 102(a)(3)(C).

Section 102(c)(1)(B)(iii) requires that either quieter models of dump trucks, such as U.S.-made European Environmental Label trucks, be used, or portable noise barriers be erected to block the line of sight from the dump truck when it is being loaded and any receptor within 200 feet. The requirements for a noise barrier are listed in Section 102(c)(1)(C). In addition, any backup alarm on the dump truck must be a quieter warning device in accordance with Section 101(f).

Section 102(d)(1)(B)(ii) requires that either a modern hydraulic crane be used, or portable noise barriers be erected to block the line of sight from the crane to any receptor within 200 feet. The requirements for noise barriers are listed in Section 102(d)(1)(C).

Other general construction noise requirements include:

[5] "Receptor," also known as receiving property, shall mean real property, including but not limited to buildings, grounds, offices and dwelling units, from which sound levels from sound sources outside such property may be measured. In the case of the New York landfall for the BEC Project, the closest receptors are industrial facilities on the 25th Street Pier and the Gowanus Substation that directly abut the Project site. The closest residential receptor is beyond 1,000 feet from the Project site.

- All construction equipment shall have a muffler free of rust, holes, and leaks.
- Quieter back-up alarms shall be used in pre-2008 model year vehicles when practicable for the job site. Model year 2008 or newer vehicles shall be equipped with a quieter back-up warning device in accordance with OSHA standards.
- When DOB regulations require a perimeter barrier or construction fence and the site is within 200 feet of a receptor, perimeter barriers shall be fabricated in accordance with all of the standards set forth in Section 28-107.

3.0 OVERVIEW OF CONSTRUCTION ACTIVITIES

ABB, Inc. and Caldwell Marine International, LLC (ABB/CMI) prepared Installation Manuals that provide comprehensive descriptions of the infrastructure construction to be done in New York State. Three Installation Manuals are included in Appendix B of the Segment 2 EM&CP plan as a CD.

The Segment 2 construction activities to be performed in New York State include: transition vault construction, upland cable installation, submarine cable installation, the electrical interconnection, and temporary cofferdam removal. The three Installation Manuals applicable to Segment 2 activities are:

Appendix B1: Installation Manual for the NY Infrastructure on the Bayonne Energy Center 345 kV Submarine Cable System revised March 22, 2010 (describes Transition Vaults and Cofferdam Removal)

Appendix B2: Installation Manual for the Underground Cable Installation Portion of the Bayonne Energy Center 345 kV Submarine Cable System dated March 16, 2010 (describes Underground Cables at the New York Landfall)

Appendix B3: Installation Manual for the Marine Cable Installation and Burial Portion of the Bayonne Energy Center 345 kV Submarine Cable System dated March 11, 2010 (describes Submarine Cables)

3.1 Transition Vault Construction

As described in Section 8 of the Installation Manual[6] (Appendix B1 of the BEC EM&CP for Segment 2), three precast transition vaults will be placed between the HDD HDPE conduits and the upland cable duct bank to provide a common connection point for the seaward conduit and the landward duct bank.

The precast transition vault is a concrete 5 sided structure with a removable concrete cap. Because of its size the unit will be precast in pieces and assembled at the job site. Once the submarine and underground cables are installed, the transition vaults will house the submarine cable to underground cable splice. After splicing & testing operations are complete the structure will be filled with sand, the concrete cap installed, and the area restored.

[6] "Installation Manual for the NY Infrastructure on the Bayonne Energy Center 345kV Submarine Cable System," Report prepared by Caldwell Marine International, LLC, March 22, 2010.

The Installation Manual (see Appendix B1 of the EM&CP) provides specifications for the major pieces of equipment that will be utilized for this activity. The pieces of equipment that will be used for the construction of the transition vaults and included on the Noise Mitigation Plan form for the Project are as follows:

- Excavator;
- Rough terrain crane;
- Vibratory driver / extractor;
- Loader; and
- Dump truck.

3.2 Upland Cable Installation

Construction methods for the duct bank for the upland cable installation are described in Section 5 of the Installation Manual[7] (Appendix B1 of the Segment 2 EM&CP) for the New York infrastructure and in Section 7 of the Installation Manual[8] (Appendix B2 of the Segment 2 EM&CP) for the underground cable. Approximately 800 feet of upland cable will be installed in concrete duct banks between the transition vaults and the electrical interconnection.

The pieces of equipment that will be used for the construction of the duct banks and included on the Noise Mitigation Plan form for the Project are as follows:

- Backhoe;
- Vac truck;
- 185 compressor; and
- Dump truck.

The installation of the underground cable involves pulling the cable through pre-installed conduit, in duct banks at each terminus, between the transition joint bay and the outdoor termination. The underground cable will be installed well before the lay and burial of the submarine cable.

The underground conduit at the Brooklyn Con-Edison substation involves a pull of about 800 feet from the transition joint bay to the outdoor termination. Eight pulls will be required, three for the power cables, three for the FO cables, and two for the earth continuity conductors. The pull procedure and the major pieces of equipment are described in detail in Appendix B2 of the Segment 2 EM&CP.

[7] Ibid.
[8] "Installation Manual for the Underground Cable Installation Portion of the Bayonne Energy Center 345kV Submarine Cable System," Report prepared by Caldwell Marine International, LLC, March 16, 2010.

3.3 Submarine Cable Installation

Construction methods for the submarine cable installation are described in detail in Section 6 of the applicable Installation Manual[9] (Appendix B3 of the Segment 2 EM&CP), while the specialized pieces of equipment for the installation of the submarine cable are described in Section 7 of the same Installation Manual.

The installation of the submarine cable will be performed in three steps. The first step consists of the initial landing in Brooklyn and the pull to the joint bay. After the landing at Brooklyn is completed, the simultaneous lay and burial of the cable across New York Harbor will proceed. The third step of the submarine cable installation will be the final landing in Bayonne and the pull to the joint bay.

The major pieces of equipment used during construction activities in the waters of the City of New York include the lay barge, the jet plow, and auxiliary equipment consisting of work boats, a support tug boat, and crew transport vessels. The subcomponents of the lay barge are detailed in the Installation Manual for the submarine cable (Appendix B3 of the Segment 2 EM&CP).

The major equipment to be used on the shore landings will be winches. Section 7.4.5 of the Installation Manual for the submarine cable (Appendix B3 of the Segment 2 EM&CP) identifies the winches that will be used for the final landing at Bayonne, as follows:

- Skagit RB90, or equivalent, for pulling the plow to the cofferdam; and
- Timberland trailer winch, Model TB306L222HZ55CA, for pulling the cable to shore.

While specific winches to be used on the Brooklyn landing have not yet been identified, the contractor will do so in the Construction Noise Mitigation Plan and self-certify that all equipment is properly maintained.

3.4 Electrical Interconnection

From the takeoff point at the transition vaults at the New York landfall, the underground cable circuit will follow the perimeter of the adjacent Gowanus substation and then turn southwest to the termination structure that will be located near a breaker position on a new Con Edison-constructed 345 kV ring bus arrangement in the Gowanus substation. The steel two-legged termination structure, mounted on pier-type or pile-supported concrete foundations, will mount the three 14-foot tall termination devices (also called “potheads”), to the bottom of which the three cables will terminate. Con Edison will interconnect with the top of the terminations, usually done by means of bare metallic cables, or “jumpers”, connected to the nearest structure in the projected ring bus configuration.

[9] “Installation Manual for the Marine Cable Installation & Burial Portion of the Bayonne Energy Center 345kV Submarine Cable System,” Report prepared by Caldwell Marine International, LLC, March 11, 2010.

3.5 Temporary Cofferdam Removal

The construction of temporary cofferdams was included as part of the Segment 1 EM&CP. Prior to Horizontal Directional Drilling (HDD) operations three small temporary cofferdams will be constructed at the exit point of the HDD conduits. The cofferdams will be free standing cantilever structures built from steel sheet piles on three sides with the back wall (near-shore) constructed from precast concrete panels. Initially the cofferdams will be constructed with the sheet piles extending above the water surface.

As described in Section 8 of the Installation Manual[10] (Appendix B1 of the Segment 2 EM&CP), prior to the installation of the submarine cable, the cofferdam sheeting will be cut to a level just above the mud line and the cut sheets removed, to accommodate the jet plow. As required under the terms and conditions of NYSPSC Article VII Certificate, upon completion of the submarine cable installation the cofferdams will be backfilled with clean virgin sand as needed to restore the seabed to preconstruction contours, and the sheet pile walls will be removed.

The major piece of equipment used during cofferdam removal is a deck barge. The subcomponents of the deck barge are detailed in the Installation Manual for the submarine cable (Appendix B1 of the Segment 2 EM&CP).

4.0 COMPONENTS OF THE CONSTRUCTION NOISE MITIGATION PLAN

The responsible party (ABB/Caldwell Marine International, LLC) shall self-certify in its Noise Mitigation Plan that all construction tools and equipment have been maintained so that they operate at normal manufacturer's operating specifications, including at peak loading. Self-certification shall be indicated on the Plan form included in the Attachment A of this document. The Plan form must be notarized prior to commencement of construction. The following general information must be included on the form:

- Name of Responsible Party (as defined in 15 RCNY §28-109);
- Work Site Location with Borough BLOCK/LOT/Address;
- Contact Phone Number of Responsible Party; and
- Approximate Distance to Closest Receptor in feet (as defined in 15 RCNY §28-109).

The Plan must identify the schedule for individual activities that will take place over the duration of the entire construction project, from the starting month and year of the activity to the month and year of completion of the activity. Construction activities are broadly categorized on the Plan form as follows:

- Demolition construction work;
- Excavation construction work;
- Foundation construction work;

[10] "Installation Manual for the NY Infrastructure on the Bayonne Energy Center 345kV Submarine Cable System," Report prepared by Caldwell Marine International, LLC, March 22, 2010.

- Superstructure construction work;
- Finishing construction work; and
- Other construction work.

4.1 Hours of Construction Activity

The Plan form also requires the responsible party to identify the normal work hours for the construction activity, as defined in §24-222 of the Administrative Code. Construction activities may take place during the hours of 7:00 a.m. to 6:00 p.m. on weekdays, according to the provisions in Section 28-101(k) of the RCNY. At all other times, the responsible party shall obtain after-hours authorization according to the provisions in Section 28-103, which state:

a. *Equipment shall be used only during the hours of 7:00 a.m. and 6:00 p.m. on weekdays, unless the responsible party obtains an after hours work authorization, in which case the equipment shall be used in accordance with the hours specified in the permit and in the after hours work authorization, as set forth in §24-223 of the Administrative Code.*

b. *When work occurs after hours in accordance with §24-223 of the Administrative Code, or falls within one of the exceptions to limits on after hours and weekend construction work set forth in §24-222 of such Code, additional noise mitigation measures and/or techniques shall be implemented when required by DEP.*

The Project will comply with Article VII Condition 13, which states that upland construction work outside the walls of buildings whose exterior walls and roof are substantially complete shall take place between 7:00 a.m. and 6:00 p.m., as required by §24-222. For certain construction phases and activities, additional work hours may be necessary. As noted in the Certificate, nothing shall preclude BEC from making necessary arrangements for the extension of works hours with appropriate authorities of the City of New York. DPS Staff shall be notified at least 24 hours in advance if planned weekend, evening, or holiday upland construction becomes necessary. As noted in the Certificate, this condition is not intended to prohibit nighttime construction reasonably necessary to comply with restrictions on daytime construction on or along roadways or public access areas, or to require the cessation of construction activities that require a continuous work effort once started.

For upland construction activities, the Project will comply with Article VII Condition 14, which states that deliveries related to construction shall take place between 7:00 a.m. and 6:00 p.m., except that, to the extent required to accommodate oversized delivery pursuant to a New York City Department of Transportation ("NYCDOT") permit, the Transmission Facility shall be exempt from restrictions limiting delivery to 7:00 a.m. to 6:00 p.m. As noted in the Certificate, this condition is not intended to prohibit nighttime deliveries reasonably necessary to facilitate compliance with restrictions on daytime construction on or along roadways or public access areas, or to require the cessation of construction activities that require a continuous work effort once started.

For example, certain activities such as cable pulling operations are conducted over continuous periods that typically will begin and end during the scheduled 12-hour work days. Specific conditions that

could warrant nighttime work and deliveries may include an unforeseen equipment breakdown when these continuous operations are occurring. An equipment breakdown could require an immediate nighttime delivery of materials for repair. Following the repair, operations to stabilize and preserve the borehole or continue pulling the conduit may need to be performed, and may extend into nighttime hours. Although equipment will be maintained and operated to avoid breakdowns, contingency planning in the event of breakdown is necessary. Such events are examples of "construction activities that require a continuous work effort once started", as noted in Conditions 13 and 14.

Submarine cable laying operations will occur 24 hours per day, seven days per week as each of the three cables is installed between Brooklyn and Bayonne. BEC will make necessary arrangements for the extension of works hours with appropriate authorities of the City of New York.

The Noise Mitigation Plan form will identify (by permit number) any permits required from the NYC Department of Transportation or the NYC DOB.

4.2 Identification of Equipment on the Form

The responsible party will identify the construction devices (equipment) used for the Project according to the definitions contained within 15 RCNY 28. Quieter pieces of equipment will be utilized wherever possible. Provisions for the installation of noise barrier walls are contained within the appropriate sections that deal with specific pieces of equipment. The Noise Mitigation Plan must identify equipment as required below:

- Pile Drivers
    - Vibratory Pile Driver or Hydraulic Impact Pile Driver as defined in 28-102(a)(1)(B)(ii)
    - Noise Bellows as defined in 28-102(a)(1)(B)(viii)
- Jack Hammers
    - Quieter makes and models as defined in 28-102(a)(2)(B)(i)
- Hoe Rams
    - Quieter makes and models as defined in 28-102(a)(3)(B)(i)
    - Noise Shroud as defined in 28-102(a)(3)(B)(iii)
- Blasting
- Vacuum excavators
    - Smaller capacity vac-truck as defined in 28-102(b)(1)(B)(i)
    - Silencer as defined in 28-102(b)(1)(B)(iii)

- Dump trucks
    - US Made European Environmental Label equipment or equivalent as defined in 28-102(c)(1)(B)(iii)
- Cranes
    - Modern Hydraulic Crane as defined in 28-102(d)(1)(B)(ii)
    - US Made European Environmental Label equipment or equivalent as defined in 28-102(d)(B)(1)(iii)
- Concrete saws
- Sandblasting
- Auger drill rigs
- Other

The Noise Mitigation Plan shall identify additional construction equipment to be used at the site including: generators, compressors, street plates, backup alarms, and pumps.

Attachment A

Construction Noise Mitigation Plan Form
(Revised July 22, 2008)

Construction Noise Mitigation Plan
FORM
REVISED July 22, 2008*

It is not necessary to file this document with DEP however, it must be accessible to inspectors. The responsible party shall be liable for the accuracy of the document and compliance with all applicable rules in 15 RCNY Chapter 28.

I Contact Information

Name of Responsible Party as defined in 15 RCNY §28-109_____

Work Site Location with Borough BLOCK/LOT/Address_____

Contact Phone Number of Responsible Party_____

Approximate Distance To Closest Receptor (defined in §28-109 of Title 15 of the Rules of the City of New York(RCNY))_____feet.

Demolition Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Excavation Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Foundation Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Superstructure Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Finishing Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Other Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Normal Work Hours (as defined in §24-222 of the Ad. Code)_____.

Dept. of Transportation Permit number(s)_____

Dept. of Buildings Permit number(s)_____

II Construction Devices

Check applicable boxes below:
List of §102 construction devices to be used at the site.

When the additional devices listed below each category are utilized, the use of barriers as set forth in section IV herein is not required unless the Dept. of Environmental Protection receives complaints as set forth in §28-102(C) of Title 15 of the RCNY for each device. If however, the specific devices listed below each main category of devices are not checked, and you are using any of the main devices listed below, then the use of barriers set forth in Section IV herein shall be utilized. However, if you specified "other" in a category, you shall be required to utilize barriers as set forth in Section IV herein.

☐**PILE DRIVERS**
- ☐Vibratory Pile Driver or Hydraulic Impact Pile Driver as defined in 102(a)(1)(B)(ii)
- ☐Noise Bellows as defined in 102(a)(1)(B)(viii)
- ☐No;

☐**JACKHAMMERS**
- ☐Quieter makes and models as defined in 102(a)(2)(B)(i)
- ☐No;

☐**HOE RAMS**
- ☐Quieter makes and models as defined in 102(a)(3)(B)(i)
- ☐Noise Shroud as defined in 102(a)(3)(B)(iii
- ☐No;

☐**BLASTING**

☐**VACUUM EXCAVATORS**
- ☐Smaller Capacity vac-truck as defined in 102(b)(1)(B)(i)
- ☐Silencer as defined in 102(b)(1)(B)(iii)
- ☐No;

☐**DUMP TRUCKS**
- ☐US Made European Environmental Label equipment or equivalent as defined in 102(c)(1)(B)(iii)
- ☐No;

☐**CRANES**
- ☐Modern Hydraulic Crane as defined in 102(d)(1)(B)(ii)
- ☐US Made European Environmental Label equipment or equivalent as defined in 102(d)(B)(1)(iii)
- ☐No;

☐**CONCRETE SAWS**

☐**SANDBLASTING**

□**AUGER DRILL RIGS.**
□**OTHER**

_____
_____
_____
_____

III Additional Construction Devices

List of additional applicable construction devices to be used at the site:
□GENERATORS, □COMPRESSORS, □STREET PLATES, □BACKUP ALARMS
□ PUMPS

Note: DEP will utilize the Federal Highway Administration Roadway Construction Model as a means of identifying equipment either in Section II or III, that may be the cause of a noise complaint, *see* §28-101(a) of Title 15 of the RCNY for compliance options.

IV Mitigation Barriers

Noise Mitigation Barriers Utilized: If required as set forth in §28-101(g) of Title 15 of the RCNY.
Required to use Perimeter barrier /DOB construction fence or temporary/moveable barrier □yes □no?

PILE DRIVERS
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

JACKHAMMERS
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

HOE RAMS
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

BLASTING
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

VACUUM EXCAVATORS
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

DUMP TRUCKS
□Perimeter barrier/DOB Construction Fence or □Temporary barrier □Moveable barrier

CRANES
☐Perimeter barrier/DOB Construction Fence or ☐Temporary barrier ☐Moveable barrier

AUGER DRILL RIGS
☐Perimeter barrier/DOB Construction Fence or ☐Temporary barrier ☐Moveable barrier

STREET PLATES
☐Perimeter barrier/DOB Construction Fence or ☐Temporary barrier ☐Moveable barrier

BACKUP ALARMS
☐Perimeter barrier/DOB Construction Fence or ☐Temporary barrier ☐Moveable barrier

CONCRETE SAWS
☐Perimeter barrier/DOB Construction Fence or ☐Temporary barrier ☐Moveable barrier

*Use latest version of the plan which can be found on the DEP Website at www.nyc.gov/dep/html/airnoise.html.

I Name of Responsible Party of the Company hereby certify the information contained in this form is true and accurate.

Signature Date

_____
NOTARY PUBLIC

Attachment B

Alternative Noise Mitigation Plan Application

Alternative Noise Mitigation Plan
Application as per Section 24-221
DATE*

It is necessary to file this document with DEP. The approved plan must be accessible to inspectors.

In accordance with Section 24-221 of the New York City Administrative Code, any individual or entity performing construction work in the city, shall adopt and implement an alternative noise mitigation plan for each construction site when any device or activity deviates from strict compliance with the noise mitigation rules as defined in Section 24-219. The attached sample form of an alternative noise mitigation plan is intended to inform the user of the required plan elements that a responsible party shall include when the listed devices are being used on site and the mitigation strategies and best management practices defined in 15RCNY Section 28-102 cannot be strictly complied with. The responsible party shall be liable for the accuracy of this document and compliance with all applicable rules in 15 RCNY Chapter 28.

I Contact Information

Name of Responsible Party as defined in 15 RCNY §28-109_____

Work Site Location with Borough BLOCK/LOT/Address_____

Contact Phone Number of Responsible Party_____

Approximate Distance To Closest Receptor (defined in §28-109 of Title 15 of the Rules of the City of New York (RCNY)) _____feet.

Demolition Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Excavation Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Foundation Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Superstructure Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Finishing Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Other Construction Work is Taking Place from: Month_____ Year_____ to Month_____ Year_____.

Normal Work Hours (as defined in §24-222 of the Ad. Code)_____.

Dept. of Transportation Permit number(s)_____

Dept. of Buildings Permit number(s)_____

II Device (s) Being Used, *See* 15 RCNY §28-102

1._____
2._____
3._____
4._____
5._____

III Describe in Detail Noise Mitigation Methods Proposed: (Attach diagrams or additional documentation if necessary).

1._____
_____
2._____
_____
3._____
_____
4._____
_____
5._____
_____

==========

DEP USE ONLY

☐ Approved _____ _____
(Signature of the Agency Head or Designated Representative) **(Date)**

☐ Disapproved _____ _____
(Signature of the Agency Head or Designated Representative) **(Date)**

*Use latest version of the plan which can be found on the DEP Website at http://nyc.gov/dep.