

## NOTICE OF ADOPTION OF FINAL RULE

### Department of Environmental Protection

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION by Section 1403(c) of the New York City Charter and Sections 24-105, 24-178, 24-204 and 24-257 of the New York City Administrative Code, that the Department of Environmental Protection (“DEP”) has amended the Air Code Penalty Schedule, set forth in Chapter 43 of Title 15 of the Rules of the City of New York, and the Noise Code Penalty Schedule as set forth in Chapter 47 of Title 15 of the Rules of the City of New York to provide that all violations can be admitted to without going through the stipulation process. These amendments were proposed and published in the City Record on September 20, 2024 and a public hearing was held on October 21, 2024. No substantive comments were received.

### Statement of Basis and Purpose

Chapter 43 of Title 15 of the Rules of the City of New York sets forth the penalties that may be imposed for violations of the Air Pollution Control Code. Chapter 47 of Title 15 of the Rules of the City of New York sets forth the penalties that may be imposed for violations of the Noise Control Code.

Consistent with Chapter 6 of title 48 of the Rules of the City of New York, DEP is amending sections two, three and seven of section 43-01 of title 15 of the Rules of the City of New York and amending the schedule set forth in section 43-02 of such title to provide that respondents may admit to all violations contained in Section 43-02 instead of entering into a stipulation.

Currently, the Department of Environmental Protection (“DEP”) makes a stipulation offer on many Air Code violations, in accordance with section 24-183 of the Administrative Code. Acceptance of the stipulation offer entails admitting the violation, paying the stipulated penalty, and promising to correct the violating condition within a prescribed time. This rule, by providing for admissions in addition to stipulations, will allow respondents to admit to violations and pay summonses online through the Office of Administrative Trials & Hearings (“OATH”) website, instead of waiting to receive a stipulation offer from DEP. This will expedite the handling of all cases and reduce the administrative burden on DEP and OATH as well as the time required for the respondent.

Subdivision (c) of section 1403 of the New York City Charter and sections 24-105, 24-178, 24-204 and 24-261 of the Administrative Code authorize the Department to issue this rule.

New text is underlined.

The text of the rule follows:

§ 1. Subdivision 7 of section 43-01 of Title 15 of the Rules of the City of New York is amended to read as follows:

7. Each summons [for a violation of section 24-163] shall provide that a respondent may admit to such violation and pay the corresponding penalty amount set forth in section 43-02.

§ 3. The table set forth in section 43-02 of Title 15 of the Rules of the City of New York is amended by changing the column headings as follows: