

ARTICLE IX

PREVENTION AND CONTROL OF ENVIRONMENTAL NOISE POLLUTION

9.1.0 - Declaration of Policy

It is hereby declared to be the health policy of the Rockland Health District to prevent and control excessive, unnecessary or unusually loud environmental noise. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance and for the purpose of preserving, protecting, and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of Rockland County and its inhabitants.

In addition, it is the policy of the Rockland Health District that every person is entitled to ambient noise levels that are not detrimental to life, health and enjoyment.

9.2.0 - Definitions

9.2.1 Agriculture

The term "**agriculture**" shall mean crop cultivation, production, harvesting, and livestock production.

9.2.2 Aircraft

The term "**aircraft**" shall mean a device that is used or intended for flight in the air.

9.2.3 Airport

The term "**airport**" shall mean an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

9.2.4 ANSI

The term "**ANSI**" shall mean the American National Standards Institute or its successor bodies.

9.2.5 Best Practical Noise Control Measures

The term "**best practical noise control measures**" shall mean noise control devices, technology and procedures which are determined by the Commissioner to be feasible, taking into consideration the age of the equipment and facilities involved, the process employed, and the engineering aspects of the applicable noise control techniques in relation to the control achieved, and non-noise control environmental impact.

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9.2.6 **Chipper**

The term "**chipper**" shall mean any mechanical device driven by a motor, engaged in the reduction of brush, limbs, scrap wood or other wood products into small pieces.

9.2.7 **Commercial Operation**

The term "**commercial operation**" shall mean any business or commercial activity that involves the purchase or utilization of goods or services, including but not limited to commercial dining establishments, motor vehicle services, retail and wholesale services, banks and office buildings, recreation and entertainment facilities, community services and public services.

9.2.8 **Construction**

The term "**construction**" shall mean building or demolition work, but shall not be limited to any structure, road or recreational facility and shall include all related activities including but not limited to the clearing of land, earthmoving, blasting and landscaping.

9.2.9 **Construction Site**

The term "**construction site**" shall mean any location including land, water, and air where construction takes place, including but not limited to construction equipment located either on public or private land or water, or other location in the vicinity of where the construction actually takes place. Quarries, concrete and asphalt plants constructed and operated for the exclusive use of a contractor for a particular construction site shall be included as part of the construction site.

9.2.10 **Continuous Sound**

The term "**continuous sound**", (see "Sound").

9.2.11 **Decible**

The term "**decible**", (see "Sound Pressure Level").

9.2.12 **Emergency Warning Device**

The term "**emergency warning device**" shall mean any gong, siren, whistle, horn or similar device that is designed to be used, and/or is actually used, to warn of the exposure of any human being or property to imminent danger.

9.2.13 **Emergency Work**

The term "**emergency work**" shall mean the work or activity that is necessary for the prevention of the exposure of any human being or property to imminent danger. This may include, but is not limited to, work to repair electrical, gas, water, sewage or other public services.

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9.2.14 **Frequency**

The term "**frequency**" shall mean the frequency of a function periodic in time is the reciprocal of the period. The unit is the hertz.

9.2.15 **Impulsive Sound**

The term "**impulsive sound**", (see "Sound").

9.2.16 **Industrial Operation**

The term "**industrial operation**" shall mean the production, fabrication and storage of durable and nondurable manmade goods and including any activity that is not otherwise defined in this Article.

9.2.17 **L₁₀**

The term "**L₁₀**" shall mean the A-weighted sound level measured with slow response that is exceeded 10% of the time in any one hour interval. The measurement time interval need not be one hour provided that the measurement results are representative of a one hour interval.

9.2.18 **L₉₀**

The term "**L₉₀**" shall mean the A-weighted sound level measured with slow response that is exceeded 90% of the time in any one hour interval. The measurement time interval need not be one hour provided that the measurement results are representative of a one hour interval.

9.2.19 **Modification**

The term "**modification**" shall mean any physical change in, or any change in the method of operation of a Commercial, Business or Industrial site which increased the amount of sound emitted by such site, or which results in the emission of a type of sound not previously emitted. Modification includes, but is not limited to an increase in the use of raw materials, the hours of operation or the rate of production.

9.2.20 **Motor Vehicle**

The term "**motor vehicle**" shall mean every vehicle operated or driven upon a public highway which is propelled by any power other than muscular power except:

9.2.20.1 Electrically-driven invalid chairs being operated or driven by an invalid.

9.2.20.2 Vehicles which run only upon rails or tracks.

9.2.20.3 Snowmobiles.

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9.2.21 **Noise**

The term "**noise**" shall mean sounds in the outdoor atmosphere, including but not limited to those sounds generated by man, his mechanical devices, domestic animals or pets as specified in 9.8.0

9.2.22 **Noise Control Measure**

The term "**noise control measure**" shall mean any procedure, method, process, device or equipment which reduces the generation, emission, transmission, radiation or reception of noise, or which renders the noise less noxious.

9.2.23 **Noise Pollution**

The term "**noise pollution**" shall mean noise.

9.2.24 **Off-Road Recreational Vehicle**

The term "**off-road recreational vehicle**" shall mean any motorized vehicle designed for or capable of cross-country travel on or immediately over land, snow, water, ice, marsh, swampland or other natural terrain. It includes but is not limited to, multi-wheel drive or low pressure tire vehicles; vehicles using an endless belt tread or treads, or a combination of tread and low pressure tires; motorcycles, trail bikes, mini-bikes and related two-wheel off-road recreational vehicles; amphibious machines, ground effect or air-cushion vehicles; and any other means of transportation deriving motive power from any source other than muscle or wind.

9.2.25 **Period**

The term "**period**" shall mean the periodic quantity is the smallest increment of the independent variable for which the function repeats itself.

9.2.26 **Permit of Certified Finding**

The term "**permit of certified finding**" shall mean a permit authorized to be issued by the Commissioner pursuant to the provisions of 9.10.0.

9.2.27 **Railroad**

The term "**railroad**" shall mean a carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

9.2.28 **Railroad Train**

The term "**railroad train**" shall mean a steam engine, electric or other motor locomotive or car, with or without cars coupled thereto, operated upon rails, except streetcars.

9.2.29 **SAE**

The term "**SAE**" shall mean the Society of Automotive Engineers, Inc. or its successor bodies.

9.2.30 Safety and Protective Devices

The term "**safety and protective devices**" shall mean devices that are designed to be used and/or are actually used for the prevention of the exposure of any human being or property to imminent danger. Safety and protective devices include, but are not limited to emergency warning devices.

9.2.31 Sound

The term "**sound**" shall mean an oscillation in pressure, stress, particle displacement, particle velocity, etc., in a medium with internal forces (e.g., elastic, viscous), or the super-position of such propagated oscillations.

9.2.31.1 The term "**impulsive sound**" shall mean a sound characterized by brief excursions of sound pressure which significantly exceed the ambient sound.

9.2.31.2 The term "**continuous sound**" shall apply if it is not impulsive. (Examples include, but are not limited to, factory operations or a motor vehicle moving past an observer.)

9.2.32 Sound Levels

The term "**sound levels**" in this Article is based upon criteria related most directly to objective measurements of sound levels, namely hearing loss, speech interference, and sleep interference. The basis for determining when a sound becomes noise, depends on the land classification of the receiver of the sound.

The frequency weighted sound pressure level, obtained by the use of metering characteristics and the weightings A, B, or C as specified in ANSI Specification for Sound Level Meters, S1.4-1971 or latest revision. The sound level meter shall conform to either Type 1 or Type 2. The weighting employed must always be stated.

9.2.33 Sound Level Meter

The term "**sound level meter**" shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels and sound pressure levels.

9.2.34 Sound Pressure Level

The term "**sound pressure level**", in decibels, of a sound is 20 times the logarithm to the base 10 of the ratio of the pressure of this sound to the reference pressure of 20 micro-newtons per square meter. In Formula: $SPL = 20 \log_{10} (P/P_0)$ Where: SPL is the sound pressure level, P is the effective (root mean square) sound pressure, and P_0 is the reference pressure.

9.2.35 Statistical Analysis

The term "**statistical analysis**" shall mean the methods outlined in 4624.03 of the Policies and Procedures Manual for Sound and Vibration Control of the New York State Department of Environmental Conservation or as amended or any

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reliable method meeting present day technical and professional standards acceptable to the Commissioner.

9.2.36 Unregulated Safety Relief Valve

The term "**unregulated safety relief valve**" shall mean a valve that is used to prevent an explosion or other hazardous reaction due to a pressure buildup, rather than a valve designed to be used or actually used for process pressure blowdown.

9.3.0 - Safeguarding Information

The Commissioner shall protect any information (other than sound emission data at or external to the site property line) or other records, reports, or plans as confidential upon a showing by any interested person that such information if made public would divulge methods or processes entitled to protection as trade secrets of such interested person.

9.4.0 - Conflict With Labor Law and Industrial Code

Nothing in this Article shall authorize the construction or operation of a source of sound in violation of the Labor Law or Industrial Codes.

9.5.0 - Conflict With Vehicle and Traffic Law

Nothing in this Article shall authorize the sale or operation of a source of sound in violation of the Vehicle and Traffic Law.

9.6.0 - Severability

If any clause, sentence, paragraph, section or part of this Article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

9.7.0 - Land Classification For Noise Control

9.7.1 Basis For Land Classification

Land classification for the purposes of this Article shall be based on the permissible land use as designated by a local zoning ordinance as of July 1, 1977. Each local zoning ordinance division shall be assigned by the Commissioner to the land classification which most closely conforms and correlates to the description, purpose and intention of the land classes described in this section. Any land that is gratuitously dedicated for public use shall retain the same land classification as of the date of such conveyance. This exception shall not include any land acquired by condemnation by the United States of America, New York State, or any political subdivision. The land classes formed from the local zoning ordinance division shall be the basis for the operation of

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this Article. The Commissioner shall make the final determination as to the classification of any premises or parcel of land located within the operation of this Article.

9.7.2 Class AA Land

Lands where the qualities of serenity, tranquillity and quiet are extraordinary significance and serve an important public need, and where the preservation of such qualities is essential if the land is to continue to serve its intended purpose. Examples of such lands include but are not limited to the wilderness zones of State lands, outdoor amphitheaters when in use and particular parks or portions of parks, or open spaces which are dedicated or used for activities requiring special qualities of serenity, tranquillity and quiet, or lands where any statute, local law or ordinance requires such designation.

9.7.3 Class A Land

Lands intended and used primarily for sleeping purposes by people. Such land shall include the residence, building, or structure where sleeping normally takes place and any location within three feet of the major surfaces of such residence, building or structure. Only areas designated to be residential or commercial by a zoning ordinance or public lands shall be Class A. Typically, Class A land will include but not be limited to the following types or property use for human habitation:

- 9.7.3.1 Residential, (e.g., year-round residences, rural residences with acreage, estates, seasonal residences, and individual mobile homes).
- 9.7.3.2 Commercial living accommodations, (e.g., hotels, motels, apartments, mobile home parks, camps, cottages, bungalows, inns, lodges, boarding and rooming houses, tourist homes, and dormitories).
- 9.7.3.3 Recreation and entertainment, (e.g., camps, camping facilities and resorts).
- 9.7.3.4 Community services, (e.g., orphanages, benevolent and morale associations, home for aged, hospitals, health and correctional facilities).

9.7.4 Class B Land

Lands where human beings are likely to communicate with one another by speech. Only areas designated to be residential or commercial by a zoning ordinance or public lands shall be Class B. Typically Class B land will include but not be limited to those portions of the types of property listed in 9.7.3 of this Article which are not Class A, and the following types of property:

- 9.7.4.1 Commercial dining establishments, (e.g., restaurants, diners, luncheonettes, snack bars, drive-ins, ice cream bars, and night clubs).
- 9.7.4.2 Motor vehicle services, (e.g., auto dealer-sales and service, service and gas stations, auto body, tire shops, car wash, and parking garage).

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- 9.7.4.3 Retail services, (e.g., shopping centers, retail outlets and supermarkets).
- 9.7.4.4 Banks and office buildings.
- 9.7.4.5 Miscellaneous commercial services, property not used for human habitation, (e.g., funeral homes, dog kennels and veterinary clinics).
- 9.7.4.6 Recreation and entertainment, property not used for human habitation, (e.g., theaters, stadiums, racetracks, fairgrounds, amusement parks, game farms, skating rinks, golf courses, riding stables, beaches and parks).
- 9.7.4.7 Community services, property not used for human habitation, (e.g., educational, religious, governmental, cultural, recreational facilities and cemeteries).
- 9.7.4.8 Private hunting and fishing clubs.

9.7.5 Class C Land

Lands where human beings are likely to remain for long periods of time while engaged in activities for which communication by speech is only occasionally necessary. Typically Class C land will include, but not be limited to the following types of property:

- 9.7.5.1 Storage, warehouse and distribution facilities, property used for storage, (e.g., gasoline storage and/or distribution, grain elevators, lumber yards, coal yards, trucking terminals and piers).
- 9.7.5.2 Industrial, property used for the production and fabrication of durable and non-durable man-made good, (e.g., manufacturing, mining, quarrying and wells).
- 9.7.5.3 Agricultural, property used for the production of crops or livestock, (e.g., livestock and products, field, truck and orchard crops, fruits, nursery green house stock).

9.8.0 - Noise and Control of Environmental Noise

9.8.1 Prohibitions

- 9.8.1.1 Except as provided by 9.8.4 and 9.8.5 of this Article, no person shall initiate installation of a commercial, business or industrial operation that will violate the sound standards of 9.8.2 of this Article. Determination of conformance to this prohibitions may be by comparison with similar commercial, business or industrial operations.
- 9.8.1.2 Except as provided by 9.8.4 and 9.8.5 of this Article, no person shall initiate modification of a commercial, business or industrial operation if such modification will violate the sound standards of 9.8.2 of this Article.

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9.8.1.3 Except as provided by 9.8.4 and 9.8.5 of this Article, no person shall operate, or cause to be operated, a commercial, business or industrial operation that will violate the sound standards of 9.8.2.2 and 9.8.2.4 of this Article.

9.8.2 Sound Standards for Commercial, Business and Industrial Operations

9.8.2.1 Sound entering Class AA land shall not increase to L_{90} that exists in such land in the absence of such sound.

9.8.2.2 Continuous sound in air which has crossed the property line of such commercial, business or industrial operation and is in Class A land shall not exceed either of the following levels:

9.8.2.2.1 During the hours of 7:00 a.m. to 10:00 p.m.:

9.8.2.2.1.1 A sound level in excess of 65 dB(A) measured with the slow response of a sound level meter or,

9.8.2.2.1.2 An L_{10} in excess of 60 dB(A).

9.8.2.2.2 During the hours of 10:00 p.m. to 7:00 a.m.:

9.8.2.2.2.1 A sound level in excess of 55 dB(A) measured with the slow response of a sound level meter or,

9.8.2.2.2.2 An L_{10} in excess of 50 dB(A).

9.8.2.2.3 Continuous sound in air which has crossed the property line of a commercial, business or industrial operation and is in Class B land shall not exceed either of the following levels:

9.8.2.2.3.1 A sound level in excess of 65 dB(A) measured with the slow response of a sound level meter or,

9.8.2.2.3.2 An L_{10} in excess of 60 dB(A).

9.8.2.2.4 Sound that has crossed property line of a commercial, business or industrial operation and is in Class C land or in any public area shall not exceed any of the following exposures:

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9.8.2.2.4.1 Continuous sound in air.

<u>Duration Per Day</u>	<u>Sound Level</u>
24 hours	80 dB(A) slow response
16	82
8	85
4	88
2	91
1	94
1/2	97
<1/2 hour	100

When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect shall be considered, rather than the individual effect of each.

9.8.2.2.4.2 Impulsive sound in air which has a peak sound pressure level in excess of 130 decibels.

9.8.3 Exclusion

9.8.3.1 For each of the prohibitions listed in this Section, sources of sound external to the property line of the commercial, business or industrial operation shall be excluded when determining whether noise is present. Such exclusion may be effected by manipulation of the level of sound to be excluded, analytical calculation, correlation techniques, mapping of noise contours, use of directional microphones and microphone arrays, or any other suitable method. Measurement techniques are provided in 9.9.0 shall be used when determining the external sound level. Such exclusion shall not apply when determining the L₉₀ required for 9.8.2.

9.8.4 Permits of Certified Finding of Inability of Preventing Generation of Noise

9.8.4.1 When it can be demonstrated, or may reasonably be expected, that any of prohibitions 9.8.1.1 through 9.8.1.3 of Section 9.8.1 of this Article will be violated, even when the best practical noise control measures are employed, application shall be made to the Commissioner for a Permit of Certified Finding in accordance with 9.10.0.

9.8.5 Exceptions

9.8.5.1 The prohibitions of this article shall not apply to the following sounds:

9.8.5.1.1 Sounds that originate on residential property.

9.8.5.1.2 Sounds created by the tires and motor when propelling a motor vehicle that is registered to operate on public highways. This exception does not apply to auxiliary equipment on such vehicles or while such vehicles are under repair or test.

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- 9.8.5.1.3 Sounds that originate at airports that are directly related to aircraft flight operations, (i.e., taxiing, landing, take-off and flight). This exception does not apply to aircraft maintenance, engine testing or any other activity conducted at the airport that is not directly related to flight operations.
 - 9.8.5.1.4 Sounds created by the means of propulsion of railroad trains. This exception applies only when such railroad train is either in motion or idling during loading, unloading, coupling, uncoupling, refueling or other similar operations, provided that the total idling time for such operations does not exceed thirty (30) minutes.
 - 9.8.5.1.5 Sounds created by bells, chimes or carillons.
 - 9.8.5.1.6 Sounds created by the unamplified human voice.
 - 9.8.5.1.7 Sounds created by emergency work, provided that the noise resulting from such work ceases to be emitted within 24 hours of the time that noise is first emitted by such work.
 - 9.8.5.1.8 Sounds that originate on construction sites between the hours of 6:00 a.m. and 10:00 p.m.
 - 9.8.5.1.9 Sounds created by the discharge of a rifle, shotgun, pistol or other firearm. Sounds created by such devices when under test by the manufacturer of such firearms are not excepted.
 - 9.8.5.1.10 Sounds created by agriculture.
 - 9.8.5.1.11 Sounds created by safety and protective devices not powered by steam.
 - 9.8.5.1.12 Sounds created by lawn care maintenance and snow removal equipment.
 - 9.8.5.1.13 Sounds created by snowmobiles, motorboats and off-road recreational vehicles.
 - 9.8.5.1.14 Sounds created by persons and their successors and assigns having easements for the intrusion of sound.
- 9.8.5.2 The prohibitions of this part shall not apply at locations where the sound level caused by sources external to the property line of the commercial, business or industrial operation exceeds the sound level caused by such operation.

9.9.0 - Noise Emission Testing and Measurement

9.9.1 Required Noise Emission Tests

If the Commissioner determines that a commercial, business or industrial operation is not in compliance with the provisions of this Article, he may require the owner or operator of such operations to submit an acceptable noise emission test that the operation is in compliance with this Article. The owner or operator shall bear the cost of such testing and preparing the test report. The Commissioner may revoke or deny a noise permit if the test report is not submitted within the stated time, or is not acceptable to the Commissioner.

9.9.2 Notification of Noise Emission Tests

9.9.2.1 Where the Commissioner has required the owner or operator of such operation to submit a noise emission test report as a condition to the issuance of a noise permit, or where the owner or operator has otherwise been required by the Commissioner to submit a noise emission test report, the owner or operator shall notify the Commissioner in writing, not more than thirty (30) days after receiving notification of the required test report, of the time and date of such testing. Such notice shall also include procedures acceptable to the Commissioner to be used for noise emission testing including measurement procedures.

9.9.2.2 The owner or operator shall allow the Commissioner reasonable access to observe such testing being conducted by the owner or operator. The owner or operator shall submit the noise emission test report to the Commissioner within thirty (30) days after the completion of tests.

9.9.3 Separate Noise Emission Tests by the Commissioner

9.9.3.1 Nothing in this Article shall preclude the Commissioner from conducting separate or additional noise emission tests and measurements. When requested by the Commissioner, the owner or operator of such operation shall cooperate in the performance of a noise emission test by providing the following within thirty (30) days after receiving notification of the request.

9.9.3.1.1 Allowing access to such operation.

9.9.3.1.2 Providing reasonable facilities, including but not limited to electric power and ladders adequate to perform the testing.

9.9.3.1.3 Providing for the reasonable operation, manipulation, shutdown and securing of various equipment on the site as needed to ascertain the source of sound and measure its emission.

9.9.3.2 If the owner or operator of such operation, when requested by the Commissioner, fails to cooperate in the performance of a noise emission test, such failure may constitute grounds for the Commissioner to revoke or deny a noise permit.

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9.9.4 Measurement Procedures

Noise emission testing and measurement to ascertain compliance with this Article shall be in substantial conformity with standards and recommended practices established by professional organizations such as ANSI and SAE. The Commissioner shall determine the acceptability of the testing and measurement procedures, taking into consideration the following:

- 9.9.4.1 Personnel conducting sound measurements shall be trained and experienced in the current techniques and principles of sound measurement and in the selection and operation of sound measuring equipment and instrumentation.
- 9.9.4.2 Instruments shall conform to the following standards or their latest revisions:
 - 9.9.4.2.1 ANSI S1.4-1971 Specification for Sound Level Meters, Type 1 or 2.
 - 9.9.4.2.2 If a magnetic tape recorder or a graphic level recorder or other indicating device is used, the system shall meet the applicable requirements of SAE Recommended Practice J184 Qualifying a Sound Data Acquisition System.
- 9.9.4.3 An anemometer and compass or other suitable device shall be used to measure wind speed and direction. A windscreen shall be used on the microphone.
- 9.9.4.4 A thermometer suitable for measurement of ambient temperature shall be used.
- 9.9.4.5 Instruments shall be met up to conform to ANSI S1.13-1971, Methods for the Measurement of Sound Pressure Levels.
- 9.9.4.6 Instrument manufacturer's instructions for use of the instrument shall be followed.
- 9.9.4.7 The following steps shall be taken to acquire and record the data:
 - 9.9.4.7.1 Check the condition of the power supply.
 - 9.9.4.7.2 Calibrate the instrumentation setup with an external acoustic calibrator.
 - 9.9.4.7.3 For continuous sound, set meter to the "slow" response. Use "A-weighting" network. For impulsive sound, the peak sound pressure level shall be measured by an oscilloscope with storage or memory capability or a suitable meter with hold capability.
 - 9.9.4.7.4 Record the meter readings on an appropriate data sheet.
 - 9.9.4.7.5 Record all pertinent atmospheric conditions, i.e., wind speed and direction, temperature and general weather conditions.

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- 9.9.4.7.6 Record the manufacturer, model and serial number for the instruments used.
- 9.9.4.7.7 Record the location of sound source(s) of interest and the microphone location(s) and their orientation relative to the sound source(s).
- 9.9.4.7.8 Calibrate the instrumentation setup with an external acoustic calibrator.
- 9.9.4.7.9 Check the condition of the power supply.
- 9.9.4.8 While measurements are being recorded, a continual visual and aural surveillance of extraneous sound sources should be made to insure that the measurements are due to the sound being investigated. If possible, the sound levels of extraneous sound sources should be recorded.
- 9.9.4.9 The determination of L_{10} and L_{90} requires a statistical analysis. A graphic level recording and visual interpretation of the chart recording to determine the L_{10} and L_{90} is an acceptable method. Instruments designed to determine the cumulative distribution of noise are also acceptable. Tape recordings and sound level sampling techniques are also acceptable.
- 9.9.4.10 Measurements shall be taken with the microphone at a height of four feet or more above the ground.

9.10.0 - Permits Used to Certify Finding of Inability of Preventing Generation of Noise

9.10.1 Need for a Permit of Certified Finding

Where a sound source is owned or operated, or is planned or intended to be installed or modified by any person in a manner that such source violates or will violate the provisions of this Article, even with the best practical noise control measures, such person shall apply for a Permit of Certified Finding. Persons not violating the provisions of this Article need not apply for a Permit of Certified Finding.

9.10.2 Application for a Permit of Certified Finding

An application for a Permit of Certified Finding shall be submitted to the Commissioner. Such application shall be made in a manner and on a form prescribed by the Commissioner and shall provide such information, statements and certification as the Commissioner shall require. Such information shall include, but shall not be limited to the following:

- 9.10.2.1 The plans, specifications and other information pertinent to such sources.

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9.10.2.2 The characteristics of the sound emitted by the source, including but not limited to the sound levels, the presence of impulsive sounds; or discrete tones, and the hours during which such sound is generated.

9.10.2.3 The noise abatement and control methods used to restrict the emission of sound.

9.10.2.4 A time schedule for the installation of noise abatement and control devices, technology and procedures, or process modifications that will be followed to restrict the emission of sound.

9.10.3 Issuance of a Permit of Certified Finding

9.10.3.1 The Commissioner may issue a Permit of Certified Finding upon a determination that the best practical noise control measures cannot prevent a source from violating the provisions of this Article.

9.10.3.2 Such Permits of Certified Finding may contain restrictions and conditions that the Commissioner determines to be appropriate.

9.10.3.3 The Permit of Certified Finding shall be valid for not more than three (3) years.

9.10.3.4 The Permit of Certified Finding as provided by this Section shall apply and relate only to the source specified in the application.

9.10.4 Hearings

The Commissioner may hold a hearing on an application for a Permit of Certified Finding if there is sufficient public interest. Such hearing shall be held or an opportunity to be heard shall be given to the applicant prior to the refusal to issue a Permit of Certified Finding and prior to the revocation of a Permit of Certified Finding.

9.10.5 Denial of Application or Revocation of a Permit of Certified Finding

The Commissioner may deny an application or revoke a Permit of Certified Finding after giving written notice upon a determination of one or more of the following:

9.10.5.1 The applicant has not given accurate and complete information when applying for the Permit to Certified Finding.

9.10.5.2 The holder of a Permit of Certified Finding has failed to operate and maintain the source in accordance with the conditions of such a Permit of Certified Finding.

9.10.5.3 A noise emission test report has not been submitted as provided by 9.9.0.

9.10.5.4 The applicant has failed to submit an amended application or supplemental information within ninety (90) days of a written request for such application or information.

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9.10.5.5 The holder of a Permit of Certified Finding has violated any pertinent of this Article.

9.11.0 - Special Provisions

9.11.1 Aircraft Run-ups

Aircraft run-ups shall not be conducted within 200 feet of the airport perimeter.

9.11.2 Chippers

9.11.2.1 All chippers shall have a muffling device which reduces the noise emitted five (5) decibels or more on the A-weighting scale, slow response, at a distance of fifty (50) feet from the unmuffled state. The noise measurements shall be conducted according to the SAE procedures.

9.11.2.2 All chippers used on utility distribution systems/ right of ways which exceed the limits of 9.8.2.2 shall be limited to one hour of operation per year within two hundred (200) feet of each parcel of residential property except in case of an emergency, in which case the Commissioner shall be notified within twenty-four (24) hours. The Commissioner shall be notified by the twentieth of the month as to the areas scheduled to be maintained the following month. Control equipment shall reflect the degree of noise reduction achievable through the application of the best available technology for chippers that is commercially available.

9.11.3 Safety and Protection Devices Activated By Steam

9.11.3.1 All safety and protective devices activated by steam over six hundred (600) pounds per square inch (psi) which when employed exceed the noise limits of 9.8.0 of the Article will require a Permit of Certified Finding.

9.11.3.2 The Commissioner shall be notified in writing within twenty-four (24) hours after noise is created by safety and protective devices activated by steam which exceeds the allowable limits of 9.8.0 of this Article.

9.11.4 All blasting operations which exceed the noise limits of 9.8.0 of the Article will require a Permit of Certified Finding.