

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
APRIL 9, 2013
MINUTES**

NCC ATTENDEES: J. Lepis (Chairman, Civil Engineer), A. Schmidt (Vice Chairman, Public Member-Registered Environmental Health Specialist), J. Feder (Secretary, Public Member-pending confirmation, Adjunct Advisory Committee -AAC), I. Udasin (Public Member – Medical Doctor), R. Hauser (DOL, Member), C. Accetola (Public Member-pending confirmation, AAC), J. Kapferer (Public Member), N. Dotti (Public Member), Drake Rizzo (Member-NJDCA), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

I. ADMINISTRATIVE

Draft minutes of the March 12, 2013 meeting were reviewed and approved with minor corrections. Mr. Triggs informed that his investigation revealed that there has not yet been a response to the letter offering help by the NCC to the DEP in reviewing the noise sections of Environmental Impact Statements (EIS).

II. NCC MEMBERSHIP AND QUORUM DEFINITION

Mr. Triggs announced that, as decided at the previous NCC meeting, on April 8, 2013 he re-initiated membership application paperwork for the three public candidates, Secretary Feder, Mr. Accetola, and Mr. Szulecki. This paperwork is being forwarded and processed within the New Jersey Department of Environmental Protection (NJDEP) prior to being forwarded to the Governor.

III. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) NOISE EVALUATIONS

There was a brief continuation of discussions begun at the March 12 meeting regarding NCC help in evaluating noise issues affecting eligibility for Department of Housing and Urban Development (HUD) funding. The NCC has substantial expertise regarding HUD environmental requirements. Mr. Triggs reported that he is awaiting direction from the NJDEP on the nature and extent of NCC participation being sought with respect to HUD requirements. There was additional general discussion on HUD requirements for repair and rebuilding.

IV. ENFORCEMENT OF NJAC 7:29

Mr. Zwerling stated that he had received a letter from the Town of Lacey, New Jersey inquiring whether a local police officer, who had been appropriately trained and certified, using proper equipment, and acting upon official direction from his municipality, could act to enforce NJAC 7:29. This enforcement is customarily delegated to state and county health departments. Mr. Zwerling cited an excerpt from the NJAC 7:29, Section 1.1, definition of “*Authorized enforcement agency*” which included, “*an employee of a county or municipal government who has received noise enforcement training and who is currently certified in noise enforcement pursuant to NJAC 7:29-2.11, provided such agency, municipality or employee is acting within its designated jurisdiction.*” Chairman Lepis, who had also previously raised this question verbally introduced a Resolution affirming the aforementioned enforcement ability by employees of county and municipal government, which was unanimously adopted by those present.

V. EMERGENCY GENERATORS

The discussion of emergency generators, begun at an earlier meeting was continued. Chairman Lepis structured the discussion by separating current applicable regulations and possible proposed future ones for various categories of sources and types.

Current Regulations

Source Category	Source Type	Applicable Regulation	Test Requirements	Operation During Emergency
Commercial/industrial	Stationary & rollout	NJAC 7:29	65 DBA day 50 DBA night	unrestricted
Residential	Stationary or rollout	Model Ordinance	65 DBA day 50 DBA night	65 DBA day 50 DBA night ¹

During the discussion it was brought out that whereas zoning and planning boards frequently got to review applications for larger stationary generators, smaller “rollout” versions were often purchased and used as needed. Rollout generators normally do not have formal testing requirements and since it is inconvenient to test them, they are often not tested. Since the Model Code is the only source of regulation for residential sources and since many municipalities do not have a Model Ordinance, in many, if not most, municipalities, residential generators are not subject to regulation.

Discussion of Possible Proposed Regulations

It was suggested that the regulation of emergency generators would be a good candidate topic for a Stakeholders Meeting. The table below indicates the state of discussion as of noon, when the meeting ended because several members had to leave. Further discussion is needed to complete and refine it.

Source Category	Source Type	Applicable Regulation	Test Requirements	Operation During Emergency
Residential ²	Stationary	Future Model Code	65 DBA Daytime testing only	unrestricted ³
Residential (proposed to keep residential quieter)	Stationary	Future Model Code	60 DBA. Daytime testing only	undecided
Residential	Rollout	Future Model Code	undecided	Level unrestricted Proper placement?

VI. NEXT MEETING

The next meeting scheduled for May 14, 2013.

Respectfully submitted:
Jerome Feder, Secretary

Attested by: J. Lepis, Chairman

¹ Not exempted, but not enforced

² Current DEP policy allows for limited use of generators during power outage emergency as covered in DEP policy guidance letters.

³ To be consistent with state code on commercial and industrial