

NEW JERSEY NOISE CONTROL COUNCIL MEETING
January 14, 2014
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), R. Hauser (DOL, Member), J. Kapferer (Public Member), S. Szulecki (Public Member-pending confirmation, AAC, Ecologist), C. Accettola (Public Member-pending confirmation, AAC), I. Udasin (Public Member – Medical Doctor), D. Rizzo (Division of Community Affairs, Member), E. Lieberman (DOH, Member), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

I. ADMINISTRATIVE

- 1) Draft minutes of the November 12, 2013 meeting were reviewed and approved with minor corrections.
- 2) Chairman Lepis proposed 2014 meeting dates of January 14, February 11, March 11, April 8, May 13, June 10, July 8 (if needed), August 12 (if needed), September 9, October 14, November 17, and December 9. The November 17 meeting date is on a Monday. The meeting was moved to accommodate Veterans Day.
- 3) The group as a whole expressed gratitude to Mr. Zwerling for his ongoing efforts to locate and make available rooms for NCC meetings.

II. GUIDANCE DOCUMENT AND EMERGENCY GENERATORS

In view of the absence of Mr. Dotti, who has a high degree of interest and contributed extensively to previous discussions on the Guidance Document and Emergency Generators, it was decided to postpone discussion of these topics to a subsequent meeting.

III. PART 150 LEGISLATION WITHIN NEW YORK STATE AND NEW JERSEY

Secretary Feder had previously been pressing for a Resolution supporting New Jersey legislation that would require a Part 150 study of Port Authority of New York and New Jersey (PANYNJ) run New Jersey Airports. This would parallel legislation recently passed by the New York State legislature. However, it was ascertained, following the November 12, 2013 NCC meeting, that Governor Cuomo of New York had vetoed the NY Part 150 legislation. He had proposed instead, a study meeting Part 150 requirements, to take place for LaGuardia and JFK airports within New York State, and requested that the PANYNJ undertake these studies, which PANYNJ has since expressed the intention to do. Failure by New Jersey to date to pass similar legislation was cited as one reason for the alternate approach. Unfortunately, Governor Cuomo and the PANYNJ's recently adopted direction omits New Jersey, which has some 28,000 people significantly impacted by noise.

In the interim since November 12, Chairman Lepis had redrafted the original Resolution, and with the help of Vice Chairman Schmidt and Secretary Feder, converged on an alternate Resolution, emphasizing the inequity between states. After some discussion, this Resolution was passed nearly unanimously by the NCC members present [6 in favor; 0 opposed; 1 abstention]. There was discussion on how the Resolution should be signed, and most present favored the inclusion of the names of NCC members involved in the vote and their titles. Chairman Lepis agreed to prepare a cover letter to the Commissioner of the DEP requesting that he forward the letter to Governor Christie and ask that Governor Christie request from the PANYNJ similar Part 150 treatment that occurring in New York State.

At the November 12, 2013 meeting, Chairman Lepis had inquired as to whether the Part 150 Program was still active, whether monies were still available, and when the last Grant had been made. Secretary Feder's follow

up revealed an October 31, 2013 approval for a Part 150 Program and Tuscon International Airport; receipt of a \$11,372,400 FAA grant for sound insulation by San Diego International Airport; and an “under review” status for a Part 150 Noise Compatibility Program for Southwest Florida International Airport. Several other large airports had also received either FAA approvals of their updated noise compatibility studies or exposure maps. In summary, the program remains active, and has been providing substantial funding. Chairman Lepis had also asked whether Teterboro airport would be covered. Follow-up by Secretary Feder, reviewing the text of S2876, indicated that no individual airports are cited; all PANYNJ airports would be covered in the noise and land use compatibility study.

IV. COUNCIL MEMBERSHIP/ APPOINTMENTS/REAPPOINTMENTS/QUORUMS

Mr. Surmay has experienced difficulty in attending NCC meetings on the regularly scheduled Tuesday dates due to personal issues. Chairman Lepis agreed to contact Mr. Surmay to ascertain how to address this situation going forward.

The NCC has experienced difficulty in achieving a quorum at recent meetings, due at least in part to the lack of Governor approvals for members. Mr. Triggs stated that he had received no news since his inquiry last December indicating imminent Governor action. Secretary Feder had been pressing for a Resolution to allow people who had been nominated, but failed to receive either approval or disapproval from the Governor’s office for six months to be counted as part of a quorum and allowed to vote. However, the sentiment of the NCC members present was that additional time should be allowed for the Governor’s office to act and that further action be postponed until the May or June 2014 NCC meetings.

V. BIENNIEL OFFICER ELECTIONS

Elections were held for the positions of Chair and Vice Chairman. In a very close vote, Mr. Schmidt was elected as Chairman, and Mr. Lepis was elected as Vice Chairman. Secretary Feder agreed to continue in the role of Secretary.

VI. NEW TOPICS

- 1) *Helicopter noise from Hudson River tours:* This has ceased to be an issue, since one of the operators in question has stopped operations.
- 2) *Snow removal noise:* Mr. Zwerling announced having been contacted by the City of Woodbridge asking whether noise from snow removal was covered by the State Noise Regulation. The consensus of the group was that while this was not explicitly covered, it snow removal generally fell under the umbrella of emergency actions to protect public safety and therefore was not regulated.
- 3) *Impulsive sound:* Mr. Zwerling stated that careful reading of the N.J.A.C 7:29 regulations regarding “continuous airborne sound” and “impulsive” sound showed inconsistencies in details of how these are defined and should be measured. It was decided to add these to the list of items to be addressed in the next revision of N.J.A.C. 7:29.

VII. NEXT MEETING

The meeting was closed by Chairman Schmidt. The next meeting is scheduled for February 11, 2014.

Respectfully submitted:
Jerome Feder, Secretary

Attested by: Arnold Schmidt, Chairman