

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
JULY 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), R. Hauser (DOL, Member), J. Kapferer (Public Member), S. Szulecki (Public Member-pending confirmation, AAC, Ecologist), N. Dotti (Public Member), D. Triggs (NJDEP).

I. ADMINISTRATIVE

Draft minutes of the May 14, 2013 and June 11, 2013 NCC meetings were reviewed and approved with minor corrections. There was brief discussion of a questionnaire sent by the Governor's Office of Appointments regarding appointments to the NCC. The news that the appointment recommendations had been forwarded to the Governor's office was welcome. It was reported that the Department of Motor Vehicles representative, Ms. Susan Debiac, is expected to first attend the September 2013 meeting.

II. GUIDANCE DOCUMENT ON DETAILS OF MEASUREMENT AND ENFORCEMENT OF NOISE REGULATIONS

Mr. Szulecki reviewed the comments on the draft "Guidance" document, going through the document section by section. The discussion was not concluded, in part, because of disagreement and extensive discussion on the procedure and degree of discretion to be provided to an investigator following up on a noise complaint. Chairman Lepis argued for a position at the property line adjacent to the offending source. Others felt that the usage of the property, specifically where the complainant's activities take place, needed to be taken into consideration, as well as the presence of obstacles and physical configuration issues that might impede the gathering of a representative measurement that, most importantly, accurately reflected the impact on the complainant and also takes into consideration potential unnecessary or inappropriate enforcement mandates issued to a business operator. Proponents of the latter point of view argued that the investigator should be allowed discretion in selecting a measurement location on the complainant's property. This point of view is based on the wording in 7:29-2.5(a)2 that says, "Measurements shall be taken at or within the property line of any affected person". The majority of Council members present interpreted this to mean an investigator can and should use discretion regarding where the sound level readings could be taken. It was argued that the complainant should not be allowed to select the measurement location, since the complainant would likely select a location at which sound was loudest, rather than one that reflected impact on their enjoyment of life and property, more specifically, sleep or the ability to carry on a conversation. Since the protracted discussion threatened the time available for other important meeting topics, further discussion was postponed until either the end of the meeting or a subsequent one.

III. EMERGENCY GENERATORS – STAKEHOLDERS MEETING

Chairman Lepis expressed the opinion that the topic of emergency generators might be best dealt with in the context of the Guidance Document rather than a Stakeholders Meeting. During the ensuing discussion a number of aspects of emergency generator usage regulation emerged that might be problematic. 1) The largest source of complaints and impact would occur due to small generators brought out only during an emergency. These generators would typically be used to power sump pumps, refrigerators and other

appliances necessary to get through the emergency. There was question whether it was reasonable to ask people to ask residents to discontinue generator usage under these circumstances. Furthermore, during an emergency local officials would likely be busy dealing with other aspects of the emergency and unlikely to devote resources to noise enforcement. In addition, these portable generator noise sources would be primarily residential and therefore not covered by the NJAC 7:29, (although they might be covered by the Model Ordinance); 2) Larger fixed generator installations are typically reviewed by town building and zoning officials, who could review siting and noise shielding issues on a site specific basis. Whereas, usage during an emergency might not be subject to regulation, testing of these generators, particularly by commercial or industrial users is subject to regulation under the existing noise regulation. Overall, the sense of the group was to further pursue this topic within the context of a Guidance Document and defer the holding of a Stakeholder's Meeting on this topic until the details and direction of this meeting were clearer.

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

Secretary Feder provided some follow up information on the initiative within the New York State legislature on legislation that would force the Port Authority of New York and New Jersey (PANYNJ) to initiate Part 150 studies for its airports. The latter would require airports to prepare noise impact maps and to examine measures, including route alterations and sound insulation, for minimizing population noise impacts. Funding for mitigation measures is typically provided by the FAA from the Airport Improvement Trust and by the local airport authority. The Part 150 legislation has passed unanimously in the NY State Senate and overwhelmingly in the NY Assembly. Since PANYNJ is a bi-state agency, the New York State initiative needs to be accompanied by a parallel one from New Jersey to form legislation that would be binding on PANYNJ. New Jersey Senators Ruiz and O'Toole have introduced Bill 2876 in the NJ Senate paralleling the NY Bills. Secretary Feder showed some noise impact maps gathered from various environmental impact and noise studies over the past 25 years that indicated that examination of routing alternatives in the immediate vicinity of Newark Airport would likely result in identification of routes that would reduce the approximately 28,000 people in New Jersey that are impacted at the federal significance level (65DNL) by noise from Newark Airport. Chairman Lepis asked whether letters or personal interaction with PANYNJ might be able to achieve the same goal and whether a smaller Newark specific initiative would be effective. Secretary Feder responded that this had already been tried extensively, and that it was unlikely that the PANYNJ would take any significant action unless forced by bi-state legislation. Secretary Feder also described the NY effort as a "train in motion" and that NJ needed to decide whether to join this. If not the NY effort would not have effect. Secretary Feder suggested a letter to NJ legislators requesting support of the Part 150 initiative and volunteered to prepare a Resolution to this effect for consideration at a subsequent NCC Meeting.

V. NEXT MEETING

The next meeting scheduled for September 10, 2013.

Respectfully submitted:
Jerome Feder, Secretary

Attested by: J. Lepis, Chairman