

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
MARCH 10, 2009
MINUTES**

NCC Attendees: J. Lepis, R. Hauser, A. Schmidt, J. Feder, J. Surmay, J. Kapferer, T. Pitcherello, N. Dotti, I. Udasin, D. Triggs (DEP), E. Zwerling (RTNAC).

Administrative

The meeting was held at the Rutgers Cook College Operations Training Center due to unavailability of space at the usual Labor Education Building location. Chairman Lepis ran the meeting. The draft minutes of the February meeting were reviewed and adopted with corrections.

Follow-up on Truck Mufflers and Engine Braking Noise

As a follow on activities of the previous meeting on noise from diesel trucks, there was discussion of what might be next steps with respect to NCC involvement on this. Chairman Lepis suggested a follow-up in the form of a Resolution indicating that NCC assistance had been requested and proposing NCC involvement. However, Chairman Lepis did not wish to interrupt or delay work on the Model Ordinance. In the interim, NCC members have begun investigating regulatory activities by other states, as well as miscellaneous related issues.

“Grandfathered” Noise Regulations

An issue was brought up with respect to localities that had older noise regulations dating prior to the more recent Model Ordinance. These regulations are often more strict than current, particularly in terms of allowable sound levels. The Model Ordinance adoption process is such that localities seeking to change their ordinance have to choose between giving up their previous ordinance to obtain more modern features or live with their older “grandfathered” ordinance as is. It was suggested that, if no measurements or numerical sound level specifications are involved, municipalities can adopt and enforce some types of noise restrictions under their local “nuisance codes”

Exhaust Venting Noise

Noise due to heating system exhaust venting is a growing problem, particularly when residences are closely spaced. Chairman Lepis briefly reviewed the activities of one particular vendor, who previously had a noisy product, but had since reduced their noise levels by 10 decibels and issued installation recommendations for measures to quiet their systems. It is good news that this issue is beginning to get some serious attention from manufacturers.

Model Ordinance

Arnold Schmidt had distributed a proposed Model Ordinance section on "Enforcement" prior to the meeting. However, Eric Zwerling asked that before getting into the "Enforcement" section, that the NCC address some serious issues that he felt were present in earlier sections. One such issue related to the definition of "emergency" work. The question was whether it was desirable for a supplier of materials or equipment used in emergency work to receive the same exemption from conformance accorded to site specific activities dealing with an emergency. It was pointed out that there were suppliers of material and equipment who ran night operations where the supply of materials or equipment were, in fact, routine actions for these suppliers, and that their operations constituted an unreasonable burden on neighbors. Such suppliers could claim exemption under emergency provisions of the draft ordinance as presently worded. There was question as to whether site specific or other language should be added that would help separate routine actions from true emergency work. This would encourage vendors who routinely furnish supplies that are used in emergency work to modify their operations so as to minimize impact on neighbors. Eric Zwerling volunteered to draft revised language for review by the group.

Eric also corrected the Model Ordinance language describing changes in sound levels. There was discussion of the effect of meter error. Sound meters have error tolerances that are an appreciable fraction of the 3 decibel difference used to define certain types of violations. It was pointed out that, however, that since differences were what was being ascertained, if a meter read slightly high or low, it would be likely do so on the measurements with and without the sound being investigated and thus the error would tend to cancel out when measuring differences.

Eric pointed out that the current wording of the portions of the Model Ordinance relating to construction and lawn work effectively left daytime noise from power tools, in general, unregulated. Construction work and lawn maintenance are inherently noisy, to the extent that meeting sound level guidelines is difficult. However, the current wording would permit a hobbyist or artist to make a lot of noise using power tools, which is not the intent. Eric volunteered to draft revised wording that would explicitly separate out construction and lawn maintenance.

Discussion was initiated on the "Enforcement" section, but the meeting ran out of time before it was possible to get too far.

NEXT MEETING

The next meeting will be on April 14, 2009 and will continue focus on the Model Noise Ordinance.

Respectfully submitted:

Jerome Feder