

**NEW JERSEY NOISE CONTROL COUNCIL MEETING  
OCTOBER 11, 2011,  
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), R. Hauser (DOL, Member), N. Dotti (Public Member), I. Udasin (Public Member – Medical Doctor), S. Szulecki (Public Member-pending confirmation, Ecologist), John Surmay (Public Member – Local Governing Body), Drake Rizzo (Member-NJDCA), Eric Zwerling (RNTAC).

**GUEST:** Josue Anacious (Administrative analyst working with John Surmay)

## **I. ADMINISTRATIVE**

Review of the minutes of September 13, 2011 meeting was deferred to the next meeting due to more pressing business.

### *1.1 Introduction of New Member, Mr. Drake Rizzo*

Mr. Drake Rizzo was in attendance, replacing Mr. Tom Pitcherello of the New Jersey Department of Community Affairs. Chairman Lepis introduced Mr. Rizzo, following which Mr. Rizzo described his background and experience. Mr. Rizzo has experience in issues involving building construction, fire safety, noise and accommodations for properties close to their “lot line” Mr Rizzo’s experience with construction included details relevant to transmission of noise from building mechanicals and between internal dwellings. Mr. Dotti pointed out that noise was frequently not a consideration in the construction of building internals unless an engineer sensitive to the issues was involved. The discussion revealed that some building accommodations to promote fire safety also inadvertently helped building noise issues. There was some discussion of efforts to repair older buildings whose facilities did not meet current codes. To prevent what could be a very difficult situation for building owners, rehabilitation codes allowed replacement of “like with like” even if the changes did not meet current codes. Chairman Lepis then provided a brief review of how noise regulation works in New Jersey, including the roles of the state regulations and Model Noise Code. He described how they are kept up to date as well as other activities of the NCC.

## **II. ROLE OF THE NCC**

The NJDEP has been attempting to reduce its involvement in noise issues. This prompted a discussion of the extent to which the DEP may be abandoning statutory responsibilities on noise. This is expected to be a topic of discussion at a future meeting. One specific item regarded the requirement for written NJDEP approval of individual municipality Model Ordinances.

## **III. WIND ELECTRICITY GENERATION**

Mr. Zwerling provided an update on his interactions with the State Agriculture Development Committee (SADC) regarding NCC help in developing standards for regulating wind turbine sound emissions. SADC has verbally approved funding for a professional literature search, which it is hoped will begin shortly. Plans for the NCC to use these results to help develop proposed standards.

Mr. Zwerling reported that the SADC is very concerned about the timing of this work, and that efforts to speed it would be appreciated. There was a strong sense that electronic distribution of relevant documents would help. Mr. Zwerling agreed to pursue electronic distribution.

Mr. Zwerling also reported on a proposed Bill regulating wind electric generators proposed by Senator Smith. This Bill has been temporarily “tabled” due to lack of resolution of what should be the permissible sound levels.

#### **IV. EMERGENCY GENERATORS**

As a continuation of the discussion from the September 13 meeting on possible noise impacts from emergency generators, it was noted that many homeowners and businesses have been installing generators to prepare for a future power outage similar to what occurred during hurricane Irene. The ensuing discussion brought NCC members additional knowledge of the issues, but has not yet reached a conclusion:

- 1) Emergency generators come in a variety of grades, types, and cost ranges. There are small “contractor grade” units available for several hundred dollars that will produce 5 – 6 KW of electricity and can be “wheeled out” from a garage when needed during an emergency. This power level is sufficient for sump pumps, refrigerators, and emergency lighting, but is insufficient to power general usage within a house, particularly air conditioning. These units are used with a cable and outlets to which applications are plugged into. Unfortunately, these units are very noisy. There are substantially more expensive units of comparable capacity, to which engineering has been applied to reduce noise. Mr. Dotti described a Honda unit that he owned that fell into this category. Mr. Szulecki described a \$2,000 unit that he owned, of modest capacity, that was engineered to be quiet that he had permanently installed at his home. This unit incorporated detection of power outages and would turn on automatically during an emergency. At even higher cost, there are automatic units capable of powering a whole house and engineered to be relatively quiet, but since they are larger, make more noise than the smaller sound engineered units. Mr. Dotti stated that the larger, permanently sited, automatic units typically require various permits for installation, thereby providing opportunity for municipality review. The siting of these units is important. They should not be installed near the bedroom of the owner or a neighbor. (The least expensive and most convenient siting is unlikely to be the best from a noise standpoint.) As an additional practical issue, Mr. Dotti stated that he only used his own generator intermittently during power outages mostly for sump pumps and refrigerators and he viewed it as undesirable to leave the unit running when he was not at home.
- 2) Since various codes provide for exceptions in the event of an emergency, there was discussion of what constitutes an “emergency.” Vice Chairman Schmidt read regulatory language allowing emergency exceptions, which was oriented towards actions to maintain essential public services. However, it was unclear whether this language would include private efforts to maintain a service normally provided by a public entity. Vice Chairman Schmidt may be asked to provide input to the Town of Westfield regarding the installation of a 20KW generator by a medical doctor practicing from his home. This unit is likely much larger than needed to maintain the critical services required by the doctor. The doctor was seeking an exception to the 65/50 decibel state noise limits, which were being cited by the town. Different regulatory frameworks apply to commercial versus resident-to-resident

issues, clouding the issue in this instance, since the citing by the doctor of needs by his medical practice placed him within the framework of commercial source regulation.

- 3) There was a spectrum of opinions for the NCC members present. Some members felt that generator noise could be quite objectionable, and furthermore, that good practice requires that they be periodically tested during non-emergency situations. Given that options existed for selection of equipment and siting to minimize noise, there was a feeling that it was desirable to support town efforts to ensure that if a permit to install a generator was sought, that efforts were made to minimize its noise impact. Some felt, however, that emergencies requiring private generators are sufficiently infrequent and potential impacts of not having a generator to some homes and businesses sufficiently onerous, that regulation was not necessary. The middle ground and possible consensus seemed to be to support town permitting efforts to assure that impacts of permanently installed generators were minimal (i.e. siting, sound engineering and size) and to avoid regulating small “wheel out” generators in an emergency.

## **V. “A” VERSUS “C” SCALE IN REGULATING INTERIOR NOISE**

A previous meeting had discussed details of regulating interior noise. Secretary Feder had surfaced some situations in which use of “C” scale could impede the utilization of sound difference measurements to identify a problem situation when substantial, but relatively inaudible, background sound due to things such as building and air conditioning, were present. Mr. Zwerling agreed to further investigate this and report at a later meeting. Finding a simple measurement procedures that can separate a noise that humans find objectionable from one that isn’t is very challenging and is likely “uncharted waters” in noise regulation. Regulating frequent periodic impulsive sounds, which have low average energy but can be annoying, is another area that is relatively unexplored.

## **VI. N.J.A.C. 7:29 REFERENCE TO INDUSTRIAL, PUBLIC, AND COMMUNITY SERVICE SITES AS A “RECEPTOR” CATEGORY**

Mr. Triggs had previously reported via email that the Notice of Change related to this issue was previously supposed to be in the September issue of the New Jersey Register but is still under review. Chairman Lepis will call Mr. Triggs at NJDEP to investigate what is happening.

## **VII. NEXT MEETING**

The next meeting would normally be scheduled for November 8, which is Election Day. This meeting will need to be changed in date or cancelled. The next meeting after November is scheduled for December 13. Chairman Lepis will provide notification of meeting plans via email

Respectfully submitted:

Jerome Feder