

**NEW JERSEY NOISE CONTROL COUNCIL MEETING  
OCTOBER 8, 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), I. Udasin (Public Member – Medical Doctor), E. Lieberman (DOH, Member), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

**I. ADMINISTRATIVE**

Draft minutes of the September 10, 2013 NCC meeting were reviewed and approved with minor corrections.

It was pointed out towards the end of the meeting that bi-annual elections were due. It was agreed that solicitation of candidates and nominations would take place at the November, 2013 meeting, but that voting would be deferred to the December meeting. The consensus was that this would be a better arrangement than attempting to perform both nominations and voting at the same meeting, as stated in the Bylaws.

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

Almost all of the meeting was spent on revisions and additions to the draft “Guidance” document initially prepared by Mr. Szulecki. Since the last review, Mr. Szulecki had added an extensive introductory section providing background on the Noise Control Act, the Noise Control Council, the role of Model Noise Ordinances, and the health and quality of life motivation behind the entire framework. Although the principal target audience of the document is to provide guidance to noise control investigators, the document should be useful to the general public, the regulated community, as well as municipal and county zoning officials dealing with noise issues. The Guidance document may also help resolve disputes with respect to interpretation of noise regulations.

The results of the extensive discussions at the meeting will appear in the completed Guidance document. Some specific topics were:

- 1) The permissible limits promulgated in N.J.A.C. 7:29 are based on information dealing with speech interference and sleep interruption, as discussed in the New Jersey Register, Volume 42, Issue 24, December 20, 2010, which was published at the time the regulation was re-adopted. The United States Environmental Protection Agency (EPA) “Levels” document (1974) provided the technical foundation for sound levels associated with speech interference and sleep interruption.
- 2) Whether noise from vehicles operating at a business should be included as a source.
- 3) Where to conduct the measurements. This was a continuation of previous discussion on the degree of discretion to be provided to an investigator to choose the measurement site when following up on a noise complaint - at the complainant’s property line adjacent to the offending source; or taking into consideration usage of the property, specifically where the complainant’s activities take place. All agreed that the presence of obstacles and physical configuration issues of the complainant’s property that might impede the gathering of representative measurements was important. However, many felt that following the concept of “*affected person*,” pervading the noise control framework, is important and that noise impacts should be determined based on how a particular property was being used with emphasis on factors affecting sleep and enjoyment of the specific property; noise affecting portions of

a property that are not being actively used should be excluded. Conclusion of this discussion was deferred to cover other agenda topics. It was agreed that this discussion would be continued at the next meeting and conclusions resolved by vote.

### **III. EMERGENCY GENERATORS – STAKEHOLDERS MEETING**

There had previously been a decision to defer the Stakeholder’s Meeting on Emergency Generators pending further discussion of this topic in the context of the Guidance Document. Now that this document is further along, some felt that it was time to reconsider the Emergency Generator Stakeholder’s meeting. While it is unclear what, if any, attempts at regulation of noise from emergency generators may take place, it was felt that this topic is of sufficient concern and interest to the public, that a forum to express and exchange views might be warranted. This will be discussed at the next meeting.

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

Secretary Feder provided additional information on the Part 150 initiative. The Federal Aviation Administration website shows that 275 airports nationally have participated in the Airport Improvement Program, with 256 airports around the United States, including Atlantic City Airport, receiving some \$103 million total since 1982 for the Part 150 studies and an additional \$5.7 *billion* dollars in federal funds to implement 234 noise compatibility programs. An additional \$3.4 *billion* dollars in Passenger Facility Charges from the individual airports was also added for soundproofing and other actions to mitigate noise impacts in the vicinity of the airport. Based on the approximately 28,000 people affected by significant noise in excess of 65 DNL, this represents a major opportunity for improving the noise situation for a large number of people, as well as generating significant economic activity within New Jersey.

Secretary Feder proposed a draft Resolution, in support of the Part 150 initiative, to be sent to the New Jersey Senate and Assembly Transportation Committees. These committees are currently reviewing Bills, similar to those already passed in New York State, that would force the Port Authority to perform the Part 150 studies. There was support among the NCC members present for the Resolutions with only minor changes. However, Chairman Lepis declared that we lacked a formal quorum to formally vote on the resolution. Since the presence of legislation before a Senate or Assembly committee presents only a very limited time window for expression of support, Secretary Feder expressed concern that this was clear example of a situation in which the NCC’s quorum policy critically impeded the effective, timely, conduct of business. The Resolution will be introduced at the next meeting at which there will hopefully be a formal quorum.

### **V. NEXT MEETING**

The next meeting is scheduled for November 12, 2013.

Respectfully submitted:  
Jerome Feder, Secretary

Attested by: J. Lepis, Chairman