

**NEW JERSEY NOISE CONTROL COUNCIL MEETING
SEPTEMBER 13, 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), J. Kapferer (Public Member), C. Accettola (Public Member-pending confirmation), N. Dotti (Public Member), I. Udasin (Public Member – Medical Doctor)

I. ADMINISTRATIVE

Minutes of the April 12, May 10, and June 14, 2011 meeting were adopted with minor changes from the drafts. The April 12 draft already incorporated the changes proposed by Mr. Zwerling.

II. WIND ELECTRICITY GENERATION

Mr. Zwerling was unable to attend the meeting, but had previously provided Chairman Lepis with an update on his interactions with the State Agriculture Development Committee (SADC) regarding NCC help in developing standards for regulating wind turbine sound emissions. Mr. Zwerling had recommended that SADC provide funds for a professional literature search. The results of this search would be reviewed by the NCC, which would then help with proposed standards. Unfortunately, the grant for the literature search had not yet come through, so this project remains pending. Relatedly, it was brought to the group's attention that the city of Bayonne, at a Town Meeting, had approved the installation of an "industrial strength" windmill within 700 feet of a residence.

III. TREATMENT OF "VEHICLES IN TRANSIT"

Mr. Dotti distributed copies of pages from an October 18, 1984, "Report on a Public Hearing, on Title 7, Chapter 29, Subchapter 1, Docket 034-84-06" related to issues regarding regulation of noise from commercial motor vehicles. A hearing comment had been made to the effect that commercial vehicle noise is in excess of state standards and that momentary noise as a vehicle enters and leaves a facility would automatically result in a violation. The response at the hearing pointed out that noise from passing vehicles is not included when making measurements related to noise control. The response included the statement that; "The Department has consistently determined that a vehicle that is directly entering or leaving a facility is "in transit" as opposed to being "on a facility." Mr. Dotti also cited some examples of the difficulty of sensibly regulating noise from vehicles entering and exiting a facility, and pointed out that if one were to attempt to regulate such noise, it would be possible to have situations in which noise from a vehicle on a facility passes over a public right of way containing vehicles whose noise is not regulated. Mr. Dotti stated that despite this issue having been apparently settled in the 1984 proceedings, it keeps resurfacing in public complaints about noise from vehicles traversing commercial facilities. Mr. Dotti pointed out that noise problems of this type can often be addressed by sensible layout of the commercial facility receiving the vehicular traffic.

IV. RECAP OF EVENTS OF SEPTEMBER 11, 2001

By coincidence, the events of September 11, 2001 occurred during an NCC meeting ten years prior. Chairman Lepis, as well as Mr. Kapferer and Dr. Udasin had been among those present at the earlier September 11 meeting, and recalled the news announcements of unfolding events heard on car radios as people arrived at the NCC meeting. Dr. Udasin has been significantly involved in the treatment of September 11 victims and had been recently cited and pictured in a related Star Ledger article. Dr. Udasin attended and reported on the recent "Empty Sky" event hosted by Governor Christie. She also described some of the health problems encountered by September 11 victims and the difficulties in attributing causality to the symptoms encountered by some of them. She informed that cement dust, although not frequently thought about as a toxic pollutant, was present in such extreme quantities near the site as to cause health problems. It was noted that many of the September 11 "first responders" had come from the City of Elizabeth.

V. N.J.A.C. 7:29 REFERENCE TO INDUSTRIAL, PUBLIC, AND COMMUNITY SERVICE SITES AS A "RECEPTOR" CATEGORY

Mr. Triggs had reported via email that the Notice of Change related to this issue is on Ms. Alice Previte's Director's desk for review and approval, and would not make the September New Jersey Register.

VI. EMERGENCY GENERATORS

Power outages and use of emergency generators following recent hurricane Irene prompted some discussion of noise from emergency generators. Vice Chairman Schmidt pointed out the official language: 7:29-1.5(a)14 cites as exceptions, "emergency electricity generators at an industrial or commercial facility, or a public service or community service facility in use during an electrical outage." A medical doctor in the town of Westfield in Union County had an application for a 20KW standby generator denied by the town unless it could meet the 65/50 decibel requirements of the state noise code. There was discussion as to whether this noise was regulated by the state noise code which surfaced issues as to whether this was a non-covered resident to resident issue. The doctor had cited patient care issues to justify the generator. However, this possibly rendered his home a commercial facility which would be regulated. No conclusions were reached, and this topic may be a subject of a future meeting.

VII. NEXT MEETING

The next scheduled meeting is on October 11, 2011.

Respectfully submitted:

Jerome Feder