

NEW JERSEY NOISE CONTROL COUNCIL MEETING
MAY 13, 2014
MINUTES

NCC ATTENDEES: A. Schmidt (Chairman, Public Member-Registered Environmental Health Specialist), J. Lepis (Vice Chairman, Civil Engineer), J. Feder (Secretary, Public Member), R. Hauser (DOL, Member), J. Kapferer (Public Member), I. Udasin (Public Member – Medical Doctor), S. Szulecki (Public Member-Ecologist), E. Lieberman (DOH, Member), N. Dotti (Public Member), Eric Zwerling (RNTAC), D. Triggs (NJDEP).

I. ADMINISTRATIVE

Draft minutes of the April 8, 2014 meeting were reviewed and approved with minor corrections. Since Mr. Surmay has not attended meetings for well over a year, there was brief discussion of some possible alternate candidates to fill his vacancy.

II. COMMUNICATIONS

Chairman Schmidt summarized recent communications to the NCC

- 1) Mr. Triggs communicated that legal council within the NJDEP has stated that the maximum penalty in the Model Ordinance must be limited \$2000 to comply with other NJ state statutes. This is a follow up to an issue originally raised by the city of Hoboken. A letter needs to be sent to local municipalities to apprise them of the necessity for this change. There followed some discussion of available mechanisms for this. Mr. Triggs will follow up. It was also suggested that any updated language in this regard be worded to track updates in the NJ state statutes.
- 2) The Governor's Red Tape Commission has favorably cited the NCC for eliminating "red tape" by eliminating "industrial" as a receptor category in the Model Ordinance. There ensued discussion of how this change should be promulgated. Mr. Triggs indicated that the version of the Model Ordinance on the web already incorporated this change. Many municipalities have adopted noise ordinances, some quite dated at this point, that might not be willing to submit what might have to be dramatically updated ordinances, to obtain benefit of this change. There is a question as to how changes of limited scope, such as this, and that described in Item (2) above, can be implemented.
- 3) Chairman Schmidt reported having received an inquiry as to whether a municipality could obtain a temporary exemption from the state noise regulations for holding a public event. There was broad consensus that such temporary exemptions could be granted as part of permits for government sponsored events. Chairman Schmidt will communicate this to the requesting party.

III. PART 150 STUDIES

There was no new information on the PANYNJ Part 150 studies. However, in a related topic, Secretary Feder reported that the FAA had recently announced that future events related to the NY/NJ/PHL Airspace Redesign had been placed "on hold" and schedule dates had been removed from the FAA website. There was some speculation as to possible reasons but no "hard" information. Secretary Feder pointed out that this left the local airspace in a peculiar situation in which it had been partially implemented a setoff airspace changes, but no Environmental Impact Statement existed as to the effects of the partial implementation.

IV. GUIDANCE DOCUMENT

Discussion of the Guidance Document focused again on the “at or within” guidance for where to take noise measurements. Secretary Feder reported having some second thoughts about some of the directions at the previous meeting. He supported allowing the noise investigation officer a degree of discretion as to the measurement location, but felt that the normal measurement location should be at the property line of the complainant. He expressed concern about language in the current version of the Guidance Document that referenced where the complainant conducts activities, which could lead the noise investigation officer to utilize locations interior to the complainant’s property, depriving the complainant of the benefit of what is likely to be some drop in noise levels between the property boundary and the place where activities are conducted, diluting the protection offered by the state statute. Secretary Feder’s concern is that the 65/50 decibels in the state regulation is a compromise value and represents levels of noise that many, if not most residents, would be unhappy to live with. Secretary Feder felt that, except in unusual circumstances where a large section of unused property existed between the complainants property boundary and the location of activities, the complainant was entitled to the superior protection offered by measurements at the property line (where feasible). Secretary Feder also pointed out that recent studies of cardiovascular deaths in areas with higher levels of aviation noise is causing the revisiting previous aviation noise guidance.

Chairman Lepis, who has been arguing vigorously for a stricter property line orientation for measurements, pointed out that the long term practice history has been to use the property line, and recent focus on where activities are conducted is a significant departure from past practice. Mr. Dotti proposed the following language, involving interactions between the noise investigation officer intended to clarify complaint related issues, which the group voted to adopt. *“The (Noise Control) Council endorses the concept of “at or within” as the mechanism for measurements, with locations based on “affected person” and property use for a specific complaint situation, at the discretion of the investigator, in consultation with the complainant, as exemplified in the Guidance Document.”* Note that in all of the foregoing, there was general agreement that if the property line was inaccessible or gave a non-representative assessment of the noise situation, then alternate locations could be used.

Unfortunately, the discussion of the Guidance document could not be concluded.

V. NEXT MEETING

The next meeting is scheduled for June 10, 2014.

Respectfully submitted:
Jerome Feder, Secretary

Attested by: Arnold W. Schmidt, Chairman