

**PETITION FOR RULES: Amendment to N.J.A.C. 7:29 NOISE CONTROL  
(Statutory Authority -- N.J.S.A. 13:1G-1 et seq.)**

1. The full name and address of the petitioner.

Name: Amy Black

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2. The substance or nature of the rulemaking which is requested. The petitioner may provide the text of the requested proposed rule.

It has become difficult to walk the streets other than in wintertime, much less enjoy our home, due to the incessant sound of leaf blowers and other commercial yard equipment. This may not have been a problem when these rules were drafted, but now they are everywhere, and there is barely a minute that some commercial lawn operation isn't using them somewhere in the neighborhood. The current rules only cover noise from non-residential property, but the big problem today is noise from residential property. And the rules only give protection to neighboring properties and not to people passing by in the public right of way.

The County Health Department gave us a "courtesy" meter reading (82 decibels) while our neighbors landscaping service was on their property. The County Health Officer came out quickly but said providing a reading was all they can do with the current rules.

I am requesting amendment to N.J.A.C § 7:29-1.2 as follows:

**Current Regulation** --

N.J.A.C. § 7:29-1.2 Industrial, commercial, or community service facilities

(a) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, or community service facility that, when measured at any residential property line of any affected person, is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

i. Continuous airborne sound which has a sound level in excess of 65 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 96 5 Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 63 82 125 74 250 67 500 63 1000 60 2000 57 4000 55 8000 53 or,

iii. Impulsive sound in air which has a maximum sound level in excess of 80 dBA.

2. From 10:00 P.M. to 7:00 A.M.

i. Continuous airborne sound which has a sound level in excess of 50 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the value listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 86 63 71 125 61 250 53 500 48 1000 45 2000 42 4000 40 8000 38 or,

iii. Impulsive sound in air which has a maximum sound level in excess of 80 dBA and such impulse sound shall not be repeated more than four times in any hour. Impulsive sound which repeats more than four times in any hour shall not exceed 50 dBA.

(b) No person shall cause, suffer, allow, or permit sound from any industrial, commercial, or community service facility that, when measured at the property line of any other commercial, or community service facility of any affected person, is in excess of any of the following:

1. Continuous airborne sound which has a sound level in excess of 65 dBA; or

2. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 96 6 Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 63 82 125 74 250 67 500 63 1000 60 2000 57 4000 55 8000 53 or,

3. Impulsive sound in air which has a maximum sound level in excess of 80 dBA.

### **Proposed Amended Regulation** --

*(Emphasis in Bold Italics)*

N.J.A.C. § 7:29-1.2 Industrial, commercial, and community service facilities and ***Residential properties***

(a) No person shall cause, suffer, allow, or permit ***sound from any Residential property*** that, ***when measured at that property line***, is in excess of any of the following:

1. From 7:00 A.M. to 10:00 P.M.:

i. Continuous airborne sound which has a sound level in excess of 65 dBA; or

ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 96 5 Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 63 82 125 74 250 67 500 63 1000 60 2000 57 4000 55 8000 53 or,

iii. Impulsive sound in air which has a maximum sound level in excess of 80 dBA.

2. From 10:00 P.M. to 7:00 A.M.

- i. Continuous airborne sound which has a sound level in excess of 50 dBA; or
- ii. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the value listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 86 63 71 125 61 250 53 500 48 1000 45 2000 42 4000 40 8000 38 or,
- iii. Impulsive sound in air which has a maximum sound level in excess of 80 dBA and such impulse sound shall not be repeated more than four times in any hour. Impulsive sound which repeats more than four times in any hour shall not exceed 50 dBA.

(b) No person shall cause, suffer, allow, or permit ***sound from any Industrial, commercial, or community service facility*** that, ***when measured at that property line of the Industrial, commercial, or community service facility***, is in excess of any of the following:

1. Continuous airborne sound which has a sound level in excess of 65 dBA; or
2. Continuous airborne sound which has an octave band sound pressure level in decibels which exceeds the values listed below in one or more octave bands: Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 31.5 96 6 Octave Band Center Octave Band Sound Frequency (Hz) Pressure Level (dB) 63 82 125 74 250 67 500 63 1000 60 2000 57 4000 55 8000 53 or,
3. Impulsive sound in air which has a maximum sound level in excess of 80 dBA.

### 3. The reasons for the request

The reason for the requested change is to amend the regulation to provide that *"the people of the State of New Jersey be insured an environment free from noise which unnecessarily degrades the quality of life"* as per N.J.S.A. 13:1G-1 et seq., the NJ Noise Control Act of 1971 by:

- eliminating the distinction between residential and commercial applicability of N.J.S.A. 13:1G-1 et seq., the NJ Noise Control Act of 1971, except insofar as there may be differing standards specified, and
- extending protection under N.J.S.A. 13:1G-1 et seq., the NJ Noise Control Act of 1971, to include the rights of those on public rights of way abutting the property from which the noise emanates.

### 4. The petitioner's interest in the request, including any relevant organization affiliation or economic interest

My interest in the request is that I am a NJ resident. I have no economic interest.

5. The statutory authority under which the Department of Environmental Protection may take the requested action

Statutory Authority: N.J.S.A. 13:1G-1 et seq.

6. Existing Federal or State statutes and rules which the petitioner believes may be pertinent to the request

N.J.S.A. 13:1G-1 et seq.; N.J.A.C. 7:29 NOISE CONTROL