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Sent: Sunday, May 16, 2004 12:49 PM
To: noise@ci.portland.or.us
Cc: randy@ci.portland.or.us
Subject: Comments relating to Noise Review Board Garbage Subcommittee recommendations for nighttime noise abatement

Gentlemen:

Please consider this e-mail to be an addition to the comments that I made at the public hearing on May 3, 2004. Please add this e-mail to any record of public comments on the subject of nighttime garbage collection noise related to that public hearing. I will comment on both the existing rules for nighttime garbage collection noise and the subcommittee's recommendations.

The Administrative Rules - Commercial Solid Waste, Recycling and Compostables of the Office of Sustainable Development (OSD) dated February 16, 2004 are unclear and ineffective in regards to nighttime noise. Section 4.2 I refers to section 4.3 E; however, a direct reference is then made to "recycling routes". Another reference is made to "infractions for violations in Solid Waste operations", but those infractions are not defined. Section 4.3 E lists some steps that a hauler is to take in the event of a complaint, but there is no process for actually resolving that complaint. As long as a hauler complies with the minimal requirements of section 4.3 E, that hauler can continue to make excessive noise. Per my discussion with an employee of the OSD, multiple complaints about collection noise at a particular location are not acted upon by the OSD after the initial notification to the hauler. This policy seems markedly pro-hauler and not in keeping with section 4.3 E 3(a).

The OSD rules also appear to be in conflict with Title 18 of the City Code. Measurements that were taken by Daly-Standlee & Associates Inc. for reports on noise abatement treatments show that front-loading garbage truck noise exceeds the limits for sound levels listed in Chapter 18.10.010 A. for all hours and zone categories. It would seem that haulers should be applying for noise variances in order to operate. Clarifications to regulations on nighttime garbage collection noise should be part of any recommendations to City Council. I would also suggest that OSD not have any role in defining or dealing with nighttime garbage collection noise issues and that the Noise Control Office assume that responsibility with staffing to be adjusted accordingly. Any regulation on nighttime garbage collection noise should be made part of Title 18, and OSD's Administrative rules should be amended. Under the current rules I must appeal to the customer (the business whose garbage is being collected) to ask the hauler to change the time of collection. The customer cannot terminate the service agreement for solid waste disposal if the hauler does not reduce noise in an acceptable manner; the customer can terminate the service agreement for recycling under the exact same circumstances. This pro-hauler loophole needs to be closed.

I am in favor of a ban on nighttime garbage collection in any area that includes any dwelling unit. Separate rules for different land use zones that contain dwelling units create a penalty for density and mixed-use development. The recommendations of the Noise Review Board Subcommittee constitute a piecemeal approach that is both inefficient and costly. Cities across the country and around the world restrict the hours of operation for haulers.

Unfortunately, the City of Portland seems to be very reluctant to institute a ban on nighttime garbage collection. I expect the interests of businesses and haulers to outweigh those of people