



Legislation Details (With Text)

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In control: City Council
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Title: Approving the application of Visu-Sewer, Inc. for a sound level variance to allow for the Phalen Rehabilitation sewer project for City of Saint Paul Sewer Lining Work along Wheelock Parkway from Arcade Street to Maryland Avenue East, from Thursday, February 2, 2017 through Monday, July 31, 2017.

Sponsors: Dan Bostrom

Indexes: Ward - 6

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
2/3/2017	1	Mayor's Office	Signed	
2/1/2017	1	City Council	Adopted	Pass

Approving the application of Visu-Sewer, Inc. for a sound level variance to allow for the Phalen Rehabilitation sewer project for City of Saint Paul Sewer Lining Work along Wheelock Parkway from Arcade Street to Maryland Avenue East, from Thursday, February 2, 2017 through Monday, July 31, 2017.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Visu-Sewer, Inc. represented by Shaun Ritter, Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 95 decibels (dBA) at no specified distance, for sewer construction work related to an Interceptor 7122 Phalen Rehabilitation MET Council Project along Wheelock Parkway from Arcade Street to Maryland Avenue East. The project proposes to allow elevated sound levels during eight periods at six sites, 24-hours per day at approximately 48 hour intervals along Wheelock Parkway from Arcade Street to Maryland Avenue East. Heavy construction equipment is to be utilized, including cranes, semi-trucks, boiler trucks, generators, etc. Boiler trucks are proposed to be the loudest equipment, generating sound level limits at 90 decibels at 30 feet; and

WHEREAS, in order to meet required City of Saint Paul project completion and to minimize disruption to traffic, area businesses, the public, adjoining residents and property owners, the applicant is seeking a variance from Thursday, February 2, 2017 through Monday, July 31, 2017. The applicant is requesting twenty four hour per day operation at 48 hour intervals about once per week during eight periods at six sites between February 2, 2017 and July 23, 2017; and

WHEREAS, if applicant is not granted a variance, Visu-Sewer, Inc. will not be able to operate general

construction/demolition equipment and other repair and installation equipment and power tools needed to complete the rehabilitation of the deteriorated and corroded Interceptor 7122 damage to the gravity sewer pipe along Wheelock Parkway from Arcade Street to Maryland Avenue East; and

WHEREAS, the Department of Safety and Inspections (DSI) has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Visu-Sewer, Inc., subject to the following conditions:

The variance will be for operating general construction/demolition equipment and other repair and installation equipment for replacement, set up and installation of a cured in place sewer pipe. Rehabilitation of the deteriorated and corroded Interceptor 7122 damage to the gravity sewer pipe is required. Work is to take place along Wheelock Parkway from Arcade Street to Maryland Avenue East; and

1. Heavy construction equipment is to be utilized, including cranes, semi-trucks, boiler trucks, generators, etc. along Wheelock Parkway from Arcade Street to Maryland Avenue East beginning Thursday, February 2, 2017 through Monday, July 31, 2017.
2. The variance will include twenty four hour per day operation, 8:00 a.m. to 8:00 a.m. at approximately 48 hour intervals once per week during the eight listed periods at six sites:
 - a. Site 1, Thursday, February 2, 2017 to Saturday, February 4, 2017;
 - b. Site 2, Wednesday, February 15, 2017 to Thursday, February 16, 2017;
 - c. Site 3, Wednesday, March 1, 2017 to Thursday, March 2, 2017;
 - d. Site 3, Wednesday, March 15, 2017 to Friday, March 17, 2017;
 - e. Site 4, Wednesday, May 10, 2017 to Friday, May 12, 2017;
 - f. Site 5, Wednesday, May 24, 2017 to Friday, May 26, 2017;
 - g. Site 6, Wednesday, June 7, 2017 to Friday, June 9, 2017; and
 - h. Site 6, Wednesday, June 21, 2017 to Friday, June 23, 2017.
3. Boiler truck operation during a twenty four hour per day operation at 48 hour interval once per week is proposed to operate at a sound level limit of 90 decibels at 30 feet from the sound source.
4. If the Sound Level Variance is approved, Visu-Sewer, Inc. will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight (48) hours prior to the start of the work.
5. If there is a need for additional overnight elevated noise shifts, Visu-Sewer, Inc. must submit an Extended Work Request (EWR) to the Department of Safety and Inspections (DSI).
6. The process for requesting an EWR shall be as follows:
 - A. Visu-Sewer, Inc. must submit a EWR in writing to DSI a minimum of four (4) work days before the start date of additional overnight elevated noise shift.
 - B. The request will include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources.
 - C. The EWR shall also include the name and phone number of a specific contact person for the work being done.
 - D. Within two (2) working days of receiving the request, DSI, in consultation with the appropriate

councilmember, shall review and approve or deny the specific request and forward the determination to Visu-Sewer, Inc.

- E. If the request is approved, Visu-Sewer, Inc. will notify in writing, all property owners/residents within 400 feet of the proposed work location. Notification shall be a minimum of forty-eight hours prior to the start of the work.
 - F. When a EWR is approved, DSI will provide Visu-Sewer, Inc. with a list of property owners/residents within 400 feet of the work location that are to be notified.
 - G. The Visu-Sewer, Inc. property owner work notification will include, but not be limited to, the specific date, time period, location, operation description and listing of expected noise sources.
7. If there is an emergency, where immediate work is necessary to restore property to a safe condition or to protect persons or property from an imminent exposure to danger, Visu-Sewer, Inc. or its designee shall notify DSI and make a good faith effort to inform property owners/residents within 400 feet of the work location. Notification to DSI and property owners may be done after the work has begun or if possible before the work has started.
8. The Contractors working on the project will use best practicable methods for controlling noise such as, but not limited to, critically silenced pumps, noise blankets, shields, tents or portable sound barriers. Construction activities will be scheduled to minimize noise as much as possible in the late night and early morning hours. Jackhammers, pavement breakers, pile drivers and any similar type of equipment should be fitted with manufacturer's approved exhaust mufflers. Vehicles operating between 10:00 PM and 7:00 AM should be equipped with ambient sensitive back-up warning devices or similar devices. Back-up observers, in lieu of back-up warning devices, should be considered if allowed by Federal or State regulations. When practical, loud activities will be performed during the day.

FURTHER RESOLVED, that any violations of the conditions set above may result in the cancellation of the variance for any remaining dates and in the denial of future requests for the granting of a sound level variance, in addition to any criminal citation which may be issued.

Visu-Sewer, Inc., represented by Shaun Ritter, Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 for operating general construction/demolition equipment and other repair and installation equipment for replacement, set up and installation of a cured in place sewer pipe. Rehabilitation of the deteriorated and corroded Interceptor 7122 damage to the gravity sewer pipe is required. Work is to take place along Wheelock Parkway from Arcade Street to Maryland Avenue East beginning Thursday, February 2, 2017 through Monday, July 31, 2017.

Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments