



## Legislation Details (With Text)

**File #:** RES PH 18- 91      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 4/4/2018

**Title:** Approving the application for sound level variances for Insituform to allow for multiple cure-in-place sewer liner projects at eight locations in the western portion of the city from April 5 through December 31, 2018. (Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street)

**Sponsors:** Samantha Henningson, Rebecca Noecker, Dai Thao, Chris Tolbert

**Indexes:** Ward - 1, Ward - 2, Ward - 3, Ward - 4

**Code sections:**

**Attachments:** 1. Application.Summit from John Ireland to Kellogg, 2. Application.Lexington from Lincoln to Grand, 3. Application.Palace from Fairveiw to Wheeler, 4. Application.Pascal from Lincoln to Grand, 5. Application.Oxford from Blair to Van Buren, 6. Application.Ashland from Wilder to Moore, 7. Application.Stanford from Wheeler to Davern, 8. Application.Wellesley from Cretin to Finn, 9. Notice to Prop Owners.Generic Letter, 10. List of Owners.Summit from John Ireland to Kellogg, 11. List of Owners.Lexington from Lincoln to Grand, 12. List of Owners.Palace from Fairveiw to Wheeler, 13. List of Owners.Pascal from Lincoln to Grand, 14. List of Owners.Oxford from Blair to Van Buren, 15. List of Owners.Ashland from Wilder to Moore, 16. List of Owners.Stanford from Wheeler to Davern, 17. List of Owners.Wellesley from Cretin to Finn, 18. Map.Summit bt John Ireland and Kellogg, 19. Map.Lexington bt Lincoln and Grand, 20. Map.Palace bt Fairveiw and Wheeler, 21. Map.Pascal bt Lincoln and Grand, 22. Map.Oxford bt Blair and Van Buren, 23. Map.Ashland bt Wilder and Moore, 24. Map.Stanford bt Wheeler and Davern, 25. Map.Wellesley Bt Cretin and Finn, 26. ENS, 27. Letter to Applicant, 28. Correspondence received - (S. Smith), 29. Correspondence rec'd - MN History Center, 30. Correspondence rec'd Leach

Date	Ver.	Action By	Action	Result
4/11/2018	1	Mayor's Office	Signed	
4/4/2018	1	City Council	Adopted	Pass

Approving the application for sound level variances for Insituform to allow for multiple cure-in-place sewer liner projects at eight locations in the western portion of the city from April 5 through December 31, 2018. (Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street)

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, Insituform, represented by Patrick Hillan, Field Engineer, who has been designated as the responsible person on the application, has applied for eight (8) sound level variances for sewer construction work, with use of heavy trucks with internal generators and hydraulic pumps during the sewer lining projects beginning April 5 through December 31, 2018. The project proposes to allow elevated sound levels during one 24 hour per day period at each of the eight, City of Saint Paul West sites, with a sewer liner curing process requiring 24 hours of continuous work. Applicant indicates the site set up is to occur from 7:00 a.m. to 5:00 p.m., with use of equipment with back up alarms and hand held power tools. From 5:00 p.m. until 7:00 a.m. of the following day, the only equipment to be used will be critically silenced pumps and truck mounted boiler, not to exceed 70 decibels (dBA) at 50 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 beginning April 5 through December 31, 2018. The applicant is requesting one twenty-four hour per day operation at each of the eight sites for continuous cured in place sewer lining work; and

WHEREAS, if applicant is not granted the variances, Insituform 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 deteriorated and corroded damage to the sewer pipes projects: Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street beginning April 5 through December 31, 2018; and

WHEREAS, the Department of Safety and Inspections 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 sound level variance to Insituform, subject to the following conditions:

- 1) 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 damage to sewer pipes is required. Work is to take place at eight (8) locations within the City of Saint Paul in the western portion of the city: Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street beginning April 5 through December 31, 2018; and
- 1) The variance will include one twenty four hour per day operation at each site, 7:00 a.m. to 7:00 a.m., with site set up from 7:00 a.m. until 5:00 p.m. for use of equipment with back up alarms and hand held power tools. From 7:00 p.m. until 7:00 a.m. of the following day, critically silenced pumps and truck mounted boiler equipment, both under 70 decibels (dBA) at fifty (50) feet will be used during the continuous work period at each of the eight construction sites.
- 2) The applicant shall provide personnel and equipment to ensure compliance with the variance conditions.
- 3) If the Sound Level Variance is approved, Insituform 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.

If there is a need for additional overnight elevated noise shifts, Insituform must submit an Extended Work Request (EWR) to the Department of Safety and Inspections (DSI).

- A. Insituform 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 Insituform.
- E. If the request is approved, Insituform 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 Insituform with a list of property owners/residents within 400 feet of the work location that are to be notified.

FURTHER RESOLVED, that any violations of the conditions set forth above on any of the dates may result in revocation of the grant of a variance for the subsequent date(s), in addition to any criminal citation which might issue.

Insituform, represented by Patrick Hillan, Field Engineer, 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 at eight (8) City of Saint Paul, West locations. Rehabilitation of the deteriorated and corroded damage to the sewer pipes is required. Locations are: Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street between April 5 to December 31, 2018. 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

Summit Avenue from John Ireland Boulevard to Kellogg Boulevard; Lexington Avenue from Lincoln Avenue to Grand Avenue; Palace Avenue from Fairview Avenue to Wheeler Street; Pascal Avenue from Lincoln Avenue to Grand Avenue; Oxford Street from Blair Avenue to Van Buren Avenue; Ashland Avenue from Wilder Street to Moore Street; Stanford Avenue from Wheeler Street to Davern Street; and Wellesley Avenue from Cretin Avenue to Finn Street.