# Legislation Text

**File #:** RES PH 17-102, **Version:** 1

Approving Insituform's request for sound level variances, to allow for multiple cure-in-place sewer liner projects at eight (8) locations within the City: James Avenue from Prior Avenue to Kenneth Street; Wellesley Avenue from Davern Street to Wheeler Street; Cambridge Street from Summit Avenue to Grand Avenue; Reaney Avenue from Kennard Street to Germain Street; York Avenue from Barclay Street to Birmingham Street; Arkwright Street from Maryland Avenue to Brainerd Street; Lawson Avenue from Agate Street to Jackson Street; and Wheelock Parkway from Avon Street to Victoria Street beginning April 24, 2017 through August 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, 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 24, 2017 through August 31, 2017. The project proposes to allow elevated sound levels during one 24 hour per day period at each of the eight sites, with a sewer liner curing process requiring 24 hours of continuous work. Applicant indicates the site set up 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 Monday, April 24, 2017 through Thursday, August 31, 2017. 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: James Avenue from Prior to Kenneth; Wellesley Avenue from Davern to Wheeler; Cambridge Street from Summit to Grand Avenue; Reaney Street from Kenneth to Germain; York Avenue from Barclay to Birmingham; Arkwright Street from Maryland to Brainerd; Lawson Avenue from Agate to Jackson; and Wheelock Parkway from Avon to Victoria, beginning April 24, 2017 through August 31, 2017.

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: James Avenue from Prior to Kenneth; Wellesley Avenue from Davern to Wheeler; Cambridge Street from Summit to Grand Avenue; Reaney Street from Kenneth to Germain; York Avenue from Barclay to Birmingham; Arkwright Street from Maryland to Brainerd; Lawson Avenue from Agate to Jackson; and Wheelock Parkway from Avon to Victoria; beginning April 24, 2017 through August 31, 2017; 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 an 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 an 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) locations. Rehabilitation of the deteriorated and corroded damage to the sewer pipes is required. Locations are James Avenue from Prior to Kenneth, Wellesley Avenue from Davern to Wheeler, Cambridge Street from Summit to Grand Avenue, Reaney Street from Kenneth to Germain, York Avenue from Barclay to Birmingham, Arkwright Street from Maryland to Brainerd, Lawson Avenue from Agate to Jackson, and Wheelock Parkway

from Avon to Victoria between April 24, 2017 to August 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