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The East Hampton Star

Dear David:

In a letter last week, Peter Wadsworth, both a member of the now defunct Airport Noise Abatement Citizens Advisory Committee and the founder of Citizens for a Quieter Airport, calls public attention to something only known to those who pay close attention to the problem of the East Hampton Airport. The environmental impact statement (EIS) that was prepared for the new airport master plan concluded that there is “no significant noise” outside the boundary of the airport itself.

That is indeed the main reason why the Committee to Stop Airport Expansion has brought suit against the town for the failure, again, to comply with the State Environmental Quality Review Act (SEQRA). The environmental impact statement is a work of fiction, and the town can only justify its latest airport plans based on fiction.

In the course of the preparation of the environmental impact statement for the Airport Master Plan update, the Committee to Stop Airport Expansion hired its own aviation noise expert. Using the same computer noise modeling software used by the F.A.A. and by the author of the town’s EIS and analyzing the town’s own data on expected airport usage, including aircraft types, flight tracks, altitudes, and frequency of use, the expert asked and answered this question: How many times do aircraft using East Hampton Airport create what would be a violation of East Hampton’s own noise ordinance if aircraft were not specifically exempted?

The noise ordinance makes it a violation, subject to fine and, in the case of repeated violation, criminal prosecution, to project noise across a residential property line that exceeds 65 decibels from 7 am to 7 pm and 50 decibels from 7 pm to 7 am. The answer? 9.8 million times per year! Airport noise adversely impacts 114 square miles and a resident population of 39,000 (including residents of Southampton).

But the study went further and actually counted the number of such incidents house by house. The areas most heavily impacted, with more than 1,000 noise events per year per household, include an area of 31 square miles with a population of more than 6,000. Households impacted between 6,000 and 25,000 times per year cover an area of 18 square miles with a population of more than 3,000.

How can the town’s environmental impact statement reach the astonishing conclusion that there is “no significant noise” outside of the airport in the face of these facts, the tabulation of the town’s own airport usage data, and the direct experience of thousands of residents?

It does so by using an F.A.A. method of measuring noise, called 65 DNL, that averages noisy periods with quiet periods. The town’s noise ordinance makes any projection across a boundary of noise in excess of 65 decibels a violation. In contrast, under the F.A.A. method, the average noise must exceed 65 decibels 24 hours a day 365 days a year. If noise violating the local East Hampton ordinance were just above 65

decibels 24 hours a day for 364 days a year and there were perfect quiet just one day a year, then, by the F.A.A.'s method, there would be "no significant noise." It is as if you were pulled over for speeding and told the officer, "But officer, I was home in bed all morning. So, on average I was only going 2 miles an hour today." Do you suppose the officer would offer an apology and put his ticket book away?

The F.A.A. standard, as applied to a small rural airport like East Hampton, is so gross that it amounts to trying to examine a fly with a telescope. Nothing at all can be seen because the measuring tool is inappropriate. What is worse, the town knows this and admits it in its EIS. The town says of the 65 DNL standard that it is, "insensitive to ambient noise levels in communities such as East Hampton, which are low (as low as 40dB) resulting in aircraft noise having a much greater effect than in urban areas with higher ambient sound levels. Federal standards and procedures are relatively insensitive to circumstances that exist in East Hampton. This is to be an expected consequence of a regulatory regime that must accommodate the environmental impacts of large air carrier airports such as JFK and LaGuardia."

The EIS goes further in explaining why the 65 DNL standard is inadequate to satisfy SEQRA requirement noting that the standard was only "sufficient" to protect public health. The EIS admits that the F.A.A. method does not address the more widespread concern of noise related annoyance.

Having explained just why the 65 DNL method is inappropriate, the EIS then blithely goes on to use it anyway, thereby reaching an absurd conclusion. The crazy EIS says that the airport property boundary itself represents "a reasonable boundary for estimating adverse reactions from local residents especially during summer months when considerable time may be spent outdoors." In other words, there is no noise outside of the airport!

This is all blatantly illegal. SEQRA defines the "environment" as including separately both noise and human health. And the EIS must describe environmental impacts "at a level of detail that reflects the severity of the impacts and the likelihood of their occurrence."

What has been clear for years is that the town can only foist airport noise on town residents year after year with chicanery. We had the 1998 main runway project in direct violation of the 1989 Airport Master Plan and based upon subsequent plans that were never adopted by the town, both as found by the New York Supreme Court. In 2001, we had the jet apron project based on documents that were actually falsified and the subject of a Federal grand jury investigation. Now we have a new plan based on the fiction that there is no airport noise.

In one important respect, I disagree with Peter Wadsworth. He says that the F.A.A. is a formidable obstacle to solving the problem and ridding the town of the most noxious aircraft. That is not true. The town hides behind the F.A.A. to justify its failure to act. The only formidable obstacle is the lack of political will on the Town Board. If the town decided to rid us of helicopters and similarly noisy aircraft, it could do so by no longer accepting F.A.A. grants for airport capital projects and thereby regaining full local control of airport access. What we need is a Town Board with the will to do so.

Sincerely,  
David Gruber