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Hubbub over Hyundai hubbub

by Wanda Ballentine

In the 1600s, a British chief justice ruled that 'the rights of habitation are superior to the rights of trade, and wherever they conflict, the rights of trade must yield.' Not so in Eugene in 1996. Why?

"The noise is unbelievable, and it's nearly constant," reported Teryl Saxon-Hill regarding Hyundai's construction, "and the lights -- people outside the area don't realize how bright they are -- brighter than daylight. Hyundai claimed they would be no brighter than when the plant is in 24-hour operation."

Blasts rattle the windows of her house three-quarters of a mile from the site. "But it's the people on McTavish Lane who bear the brunt," she said, "I don't see how they can stand it." One McTavish resident can turn off her lights, close her drapes, and read a newspaper in her living room.

A 37-year resident who raises exotic birds, reported them so terrorized they have abandoned their nests and their eggs. Cracks have appeared in another's swimming pool from blast vibrations. Most maddening, perhaps, are the incessant night-and-day high-pitched back-up beepers on the equipment.

So testified Hyundai's neighbors at the May 8 public hearing on Hyundai's application for a continuance of the noise variance granted in February. Acting City Manager Linda Norris had already granted the extension without contacting any of the 135 signers of the petition against the first variance and without calling the hearing they had been promised if an extension were requested. This after-the-fact hearing, like the first, was the result of citizen protest and demand. About 50 attended, and from 6 to 10 pm, appellants presented a wide range of testimony -- personal to scientific -- against the variance.

Only Fred Hamlin of Gimpl Hill Road, 1.5 miles from the site, spoke in its favor. He had complained about the lights, holiday construction activity, and back-up beepers, but reported that Hyundai had responded satisfactorily. However, after listening to the proceedings and learning that Hyundai had no plans to stop the beepers and that deflecting the lights from his property just directed them at someone else, Hamlin furiously denounced extension of the variance.

Hearing officer Milo Mecham asserted that only one noise complaint had been received. Saxon-Hill responded that she and others had made multiple complaints. It seems a complaint isn't "official" until a City official has "investigated" it; what was not clear is what it takes to get a complaint investigated.

Residents reported the use of pneumatic drills past the cut-off time of 10pm. Using decibel reading equipment, Emily Fox and Jim Reed took readings after 10:00 pm and found noise levels well above what the law allows. Fox reported that noise is considered one of the three most injurious pollutants by the World Health Organization.

Ten noise events a night at the level of ordinary speech can adversely affect sleep quality, she said, and even if not wakened, sleepers will be prevented from entering the REM sleep stage necessary for real rest. Recurrent low sound levels have been found to create stress; if sustained, cardiovascular problems, ulcers, and interference with fetal development can result. One study found subjects still not habituated to noise disturbances after two weeks.

Scientist Jim Reed reported that the effects of light at night disrupts melatonin production, which controls diurnal, seasonal and reproductive functions. It is an anti-stress and sleep producing agent. Melatonin deficiency is associated with Seasonal Affective Disorder depression. Ten minutes of a short acute exposure to light can halve melatonin concentrations, and nocturnally active animals are the most sensitive. The planaria worm will not reproduce in the presence of continuous light, a fact implying potential disruption to at least some species in the area's wetlands.

Saxon-Hill quoted Paul Wagner, a biologist employed by the Washington State Dept. of Transportation to assess impacts of construction on wildlife. Construction noise makes it impossible for frogs to hear and respond to mating calls according to Wagner, who was appalled that no Environmental Impact Study had been required for the project.

Hearing Officer Milo Mecham, who, at the first noise variance hearing, had demanded scientific evidence for testimony given by everyone but Hyundai, did his own frog assessment before granting the February variance. He observed tree frogs at Amazon Park. As they seem to be tolerating traffic noises, he reasoned that noise doesn't bother frogs.

Hyundai claims that denial of the variance would be an "undue hardship." "How

is Hyundai's construction different than any other construction?" asked Bern Johnson. "It would be advantageous to any developer to complete his project as fast as possible -- why is Hyundai more in need? The chip market's in a slump, and Hyundai's competitors are decelerating activities."

Hyundai attorney Kim responded that Hyundai's philosophy was to develop now and position themselves for market revival. Johnson retorted that "Hyundai's philosophy does not a hardship make," noting that use of this philosophy in Santa Clara, CA, in the 1980s resulted in plant closure within a year.

Mary O'Brien challenged the City's assertion that the economic benefits Hyundai will provide outweigh the disruption. "Where is the public benefit in 70 tons of toxic air emissions?" she asked. "Where is the public benefit in the destruction of our water quality?"

The overwhelming testimony regarding disturbances to residents' right to the "quiet enjoyment" of their homes did not prevail against the multinational giant's right to speed its profit-making activities. More restrictions were added, but the variance was extended until July 4.

The most important change is the requirement to hire flaggers to replace the back-up beepers, but the victory is minor, as it's only in effect between 10 pm and 7 am. Between 3am and 7am, noise levels must be kept to those of an average conversation. The brilliant lights must be shielded and directed to face the northeast.

Hyundai claims it wants to be a "good corporate neighbor." So far, it has violated the terms of the noise variance and the DEQ permit, and was found burning hazardous materials in violation of air pollution laws. Mayoral candidate Torrey and Councilman Pat Farr nevertheless continue to assure citizens that Hyundai is great for this community and that our laws protect us.

[Hyundai Files](#)

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