

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 984 (Delegate Grosfeld)

Environmental Matters

Noise Control - Industrial Equipment - Continuous Noise

This bill requires the Maryland Department of the Environment (MDE) to include in its noise control regulations a provision prohibiting a continuous noise generated by an “industrial equipment” source from exceeding 40dba. Industrial equipment is defined as property, facilities, or equipment involving the fabrication, manufacture, or production of goods and services, including power generating equipment and ventilation systems.

Fiscal Summary

State Effect: Potential increase in general fund expenditures related to additional enforcement and legal costs.

Local Effect: Potential meaningful. Expenditures relating to enforcement could increase as a result of the bill’s more stringent standard. Revenues could increase to the extent that the proposed standard results in additional fines imposed in circuit court. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful. To the extent that small businesses have industrial equipment that exceeds the proposed noise level, those entities could incur significant costs to replace or modify that equipment, or could face possible closure.

Analysis

Current Law: MDE must adopt environmental noise standards, sound level limits, and noise control rules and regulations as necessary to protect the public health, the general welfare, and property. Before adopting any such standard or limit, MDE must submit the proposed standard or limit to the Environmental Noise Advisory Council. There is also an Interagency Noise Committee which, among other things, is required to recommend new or revised noise control rules, regulations, or legislation. The regulations must provide that the

sound level limit for residential heat pumps is 75dba and the sound level limit for residential air conditioning units is 70dba. The current noise levels established by regulation are as follows:

- for industrial-zoned areas: 24-hour average of 70dba; maximum of 75dba day or night;
- for commercial areas: 24-hour average of 64dba; maximum of 67dba during the day and 62dba at night; and
- for residential areas: 24-hour average of 55dba; maximum of 65dba during the day and 55dba at night.

MDE must enforce the sound level limits and noise control rules and regulations. To the maximum extent possible, MDE must use the facilities and services of appropriate agencies of political subdivisions in its enforcement. MDE may issue a corrective order, after notice to the alleged violator, if MDE determines that there is a violation of the sound level limit or noise control rule or regulation. MDE may bring an action to enjoin any conduct that is a willful violation of such limits, rules, or regulations. A person who willfully violates the noise control law, or rules and regulations adopted under the law, is liable to a civil penalty not exceeding \$10,000 to be collected in a civil action brought by MDE in the circuit court for any county.

Background: MDE's noise program operates on a complaint basis. Currently, one inspector is assigned to the program. Generally, MDE enforces the maximum limits rather than the 24-hour averages. Some local jurisdictions also have noise control ordinances. Local ordinances are generally not permitted to be less stringent than State standards. Montgomery County is the only local jurisdiction with a comprehensive noise control program.

State Expenditures: If the bill results in an increase in the number of noise complaints filed, general fund expenditures could increase. Any increase in costs would be associated with the need for additional inspectors and increased legal costs. Legislative Services advises that the need for additional resources will depend largely on the number of complaints filed pursuant to the proposed standard. Because MDE operates its current program on a complaint basis, it does not have comprehensive knowledge of the types of facilities that could be affected or the ambient noise levels surrounding those facilities. In addition, Legislative Services advises that the number of facilities that would be in violation of the proposed standard is unknown. Accordingly, a reliable estimate of the anticipated number of complaints from nearby entities cannot be made at this time.

For illustrative purposes, if two additional inspectors are needed as a result of an increase in the number of noise level complaints, general fund expenditures could increase by an estimated \$124,800 in fiscal 2001. This estimate reflects the bill's October 1, 2000, effective date and includes salaries, fringe benefits, one-time start-up costs, and ongoing operating

expenses. It includes contractual services for hiring expert witnesses (\$7,500), the purchase of two vehicles (\$25,900), and the purchase of additional noise measurement equipment (\$29,100).

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment; Allegany, Prince George's, and Talbot counties; Department of Legislative Services

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