

SENATE BILL 320

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2003 Regular Session
3r1717
CF 3r1284

By: **Senator Conway**

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Department of the Environment - Noise Control and Pollution**

3 FOR the purpose of encouraging a political subdivision to consider compliance with
4 certain standards before acting on a proposed variance request or change in
5 zoning classification; encouraging a political subdivision to consider compliance
6 with certain standards before acting on a proposed variance request or change to
7 consider if the permit or activity will be in compliance with certain standards;
8 altering the membership of the Environmental Noise Advisory Council;
9 repealing an obsolete provision; requiring the Department of the Environment
10 to conduct certain hearings and prepare or solicit certain input before proposing
11 any changes in a certain statute or regulation; authorizing the Council to
12 provide certain advice to the Department; altering the membership of the
13 Interagency Noise Control Committee; repealing certain sound level limits and
14 noise control requirements; specifying the terms of the initial members of the
15 Council; and generally relating to noise control and pollution.

16 BY repealing and reenacting, with amendments,
17 Article - Environment
18 Section 3-105, 3-202, 3-205, 3-302, and 3-401(c)
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article - Environment
23 Section 3-201 and 3-301
24 Annotated Code of Maryland
25 (1996 Replacement Volume and 2002 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Environment

2 3-105.

3 (a) (1) Except as provided in this section, this title does not limit the power
4 of a political subdivision to adopt noise control ordinances, rules, or regulations.

5 (2) A political subdivision may not adopt any noise control ordinance,
6 rule, or regulation that is less stringent than the environmental noise standards,
7 sound level limits, and noise control rules and regulations adopted under this title.

8 (3) (i) A political subdivision may not adopt any noise control
9 ordinance, rule, or regulation, including the environmental noise standards, sound
10 level limits, and noise control rules and regulations adopted under this title, that
11 prohibits trapshooting, skeetshooting, or other target shooting between the hours of 9
12 a.m. and 10 p.m. by a shooting sports club that is chartered and in operation as of
13 January 1, 2001.

14 (ii) This paragraph does not apply in Allegany, Baltimore City,
15 Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and Washington
16 counties.

17 (b) Each political subdivision [shall]:

18 (1) [Send] SHALL SEND to the Department a copy of each noise control
19 ordinance, rule, or regulation that it adopts; [and]

20 (2) [Identify] SHALL IDENTIFY on each zoning map, comprehensive
21 plan, or other appropriate document the sound level limits that are adopted under
22 Subtitle 4 of this title; AND

23 (3) IS ENCOURAGED TO CONSIDER:

24 (I) COMPLIANCE WITH STATE OR LOCAL NOISE STANDARDS
25 BEFORE ACTING ON ANY PROPOSED VARIANCE REQUESTS OR CHANGES IN ZONING
26 CLASSIFICATIONS; AND

27 (II) WHETHER THE PERMIT OR ACTIVITY WILL BE IN COMPLIANCE
28 WITH LOCAL AND STATE NOISE CONTROL STANDARDS, PRIOR TO THE ISSUANCE OF A
29 BUILDING, ACTIVITY PERMIT, OR SIMILAR AUTHORIZING DOCUMENT.

30 3-201.

31 There is an Environmental Noise Advisory Council in the Department.

32 3-202.

33 (a) (1) The Council consists of [5] 11 members:

34 (I) 9 VOTING MEMBERS appointed by the Secretary; AND

1 (II) 2 EX OFFICIO MEMBERS.

2 (2) Of the [5] 11 Council members:

3 (i) 1 shall be appointed from a list of at least 3 qualified
4 individuals submitted to the Secretary by the Acoustical Society of America AND THE
5 INSTITUTE OF NOISE CONTROL ENGINEERING;

6 (ii) 1 shall be a physician who specializes in hearing, appointed
7 from a list of at least 3 qualified individuals submitted to the Secretary by the
8 Medical and Chirurgical Faculty of the State of Maryland;

9 (iii) 1 shall be appointed from a list of at least 3 qualified
10 individuals submitted to the Secretary by the Chancellor of the University System of
11 Maryland; [and]

12 (iv) 2 shall be appointed from the [general] public AT LARGE;

13 (V) 1 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3
14 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND MUNICIPAL
15 LEAGUE;

16 (VI) 1 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3
17 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND ASSOCIATION OF
18 COUNTIES;

19 (VII) 2 SHALL BE APPOINTED FROM A LIST OF AT LEAST 3
20 INDIVIDUALS SUBMITTED TO THE SECRETARY BY THE MARYLAND CHAMBER OF
21 COMMERCE;

22 (IX) 1 EX OFFICIO MEMBER SHALL BE A MEMBER OF THE SENATE
23 OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

24 (X) 1 EX OFFICIO MEMBER SHALL BE A MEMBER OF THE HOUSE OF
25 DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

26 (3) [Before appointing the members from among the general public, the
27 Secretary shall request and consider suggestions for nominees from:

28 (i) The Maryland State Chamber of Commerce;

29 (ii) The Maryland Transportation Federation;

30 (iii) The Maryland Environmental Trust; and

31 (iv) Any other environmental groups that the Secretary selects.

32 (4)] In making any appointment to the Council, the Secretary shall
33 consider giving appropriate representation to the various geographical areas of this
34 State.

1 (b) Each member of the Council shall be a resident of this State.

2 (c) (1) The term of a member is 5 years.

3 [(2) The terms of members are staggered as required by the terms
4 provided for members of the Council on July 1, 1982. The terms of those members end
5 as follows:

6 (i) 1 in 1983;

7 (ii) 1 in 1984;

8 (iii) 1 in 1985;

9 (iv) 1 in 1986; and

10 (v) 1 in 1987.]

11 [(3)] (2) At the end of a term, a member continues to serve until a
12 successor is appointed and qualifies.

13 [(4)] (3) A member who is appointed after a term has begun serves only
14 for the rest of the term and until a successor is appointed and qualifies.

15 3-205.

16 (a) Before the Department [adopts] PROPOSES any CHANGES IN THE
17 PROVISIONS OF THIS TITLE OR REVISIONS TO THE environmental noise [standard or
18 sound level limit,] REGULATIONS, the Department shall:

19 (1) [submit] SUBMIT the proposed [environmental noise standard or
20 sound level limit] REVISIONS to the Council for advice;

21 (2) CONDUCT PUBLIC HEARINGS; AND

22 (3) PREPARE OR SOLICIT TECHNICAL INPUT ON ISSUES RELATED TO
23 THE REVISIONS.

24 (b) Within 60 days after receiving a proposed [environmental noise standard
25 or sound level limit] REVISION from the Department, the Council shall give the
26 Department its advice on the proposal by recommending:

27 (1) Adoption;

28 (2) Rejection; or

29 (3) Modification.

30 (C) THE COUNCIL MAY PROVIDE ADVICE TO THE DEPARTMENT ON ANY
31 MATTER RELATING TO NOISE POLLUTION.

1 3-301.

2 There is an Interagency Noise Control Committee.

3 3-302.

4 (a) The Committee consists of:

5 (1) 1 member of the Governor's executive staff, appointed by the
6 Governor; and

7 (2) 1 representative of each of the following departments, appointed by
8 the Secretary of that department:

9 (i) The Department of the Environment;

10 (ii) The State Department of Transportation;

11 (iii) The Department of Natural Resources;

12 (iv) The Department of Planning; [and]

13 (V) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

14 (VI) THE DEPARTMENT OF BUSINESS AND ECONOMIC
15 DEVELOPMENT;

16 (VII) THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION;
17 AND

18 [(v)] (VIII) Any other principal department that develops, adopts,
19 or enforces any noise control rule or regulation.

20 (b) The member who is appointed by the Secretary of the Environment is
21 chairman of the Committee.

22 3-401.

23 (c) (1) In adopting sound level limits and noise control rules and
24 regulations, the Department shall consider, among other things:

25 (i) The residential, commercial, or industrial nature of the area
26 affected;

27 (ii) Zoning;

28 (iii) The nature and source of various kinds of noise;

29 (iv) The degree of noise reduction that may be attained and
30 maintained using the best available technology;

1 (v) Accepted scientific and professional methods for measurement
2 of sound levels; and

3 (vi) The cost of compliance with the sound level limits.

4 (2) The sound level limits adopted under this subsection shall be
5 consistent with the environmental noise standards adopted by the Department.

6 (3) The sound level limits and noise control rules and regulations
7 adopted under this subsection may not prohibit trapshooting or other target shooting
8 on any range or other property in Frederick County that the Frederick County
9 Department of Planning and Zoning has approved as a place for those sporting
10 events.

11 (4) [The sound level limits and noise control rules and regulations
12 adopted under this subsection shall be as follows for residential heat pumps and air
13 conditioning units:

14 (i) Residential heat pumps 75dba.

15 (ii) Residential air conditioning units 70dba.

16 (5)] (i) The sound level limits and noise control rules and regulations
17 adopted under this subsection may not prohibit trapshooting, skeetshooting, or other
18 target shooting between the hours of 9 a.m. and 10 p.m. on any range or other
19 property of a shooting sports club that is chartered and in operation as of January 1,
20 2001.

21 (ii) This paragraph does not apply in Allegany, Anne Arundel,
22 Baltimore City, Calvert, Charles, Garrett, Howard, Montgomery, St. Mary's, and
23 Washington counties.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the voting
25 members of the Environmental Noise Advisory Council shall expire as follows:

26 (1) 2 members in 2004;

27 (2) 2 members in 2005;

28 (3) 2 members in 2006; and

29 (4) 3 members in 2007.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect July 1, 2003.