

**Department of Legislative Services**  
Maryland General Assembly  
2003 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 174

(Delegates Morhaim and Kach)

Environmental Matters

Education, Health, and Environmental Affairs

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

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This bill makes several changes relating to noise control and pollution provisions administered by the Maryland Department of the Environment (MDE).

The bill takes effect July 1, 2003.

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**Fiscal Summary**

**State Effect:** The bill's changes could be handled with existing budgeted resources.

**Local Effect:** The bill is not expected to significantly affect local government finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:** The bill:

- encourages political subdivisions to consider compliance with State and local noise control standards before acting on any proposed variance requests or changes in zoning classifications, and prior to the issuance of a building, activity permit, or similar authorizing document;
- increases the membership of the Environmental Noise Advisory Council from 5 to 11 and provides for staggered expiration of terms of voting members;

- repeals the requirement that the Secretary must request and consider suggestions from various State agencies and environmental groups prior to appointing members of the council from among the general public;
- requires MDE, before it proposes any changes in the governing statute or revisions to the environmental noise regulations, to submit the proposed revisions to the council for advice, conduct public hearings, and prepare or solicit technical input;
- authorizes the council to provide advice to MDE on any matter relating to noise pollution; and
- expands the membership of the Interagency Noise Control Committee to include three additional State agencies.

**Current Law:** MDE establishes environmental noise standards and sound level limits. In general, political subdivisions may not establish standards less stringent than MDE's. Each political subdivision is required to send to MDE a copy of each noise control ordinance, rule, or regulation that it adopts and identify specified sound level limits that are adopted on each zoning map, comprehensive plan, or other appropriate document.

The Environmental Noise Advisory Council consists of five members appointed by the Secretary of the Environment. Before appointing the members from among the general public, the Secretary must request and consider suggestions for nominees from: (1) the Maryland State Chamber of Commerce; (2) the Maryland Transportation Federation; (3) the Maryland Environmental Trust; and (4) any other environmental groups the Secretary selects. In making any appointment to the council, the Secretary must consider giving appropriate representation to the various geographical areas of the State. Each council member must be a State resident. The term of a member is five years. Terms of members are staggered.

The Interagency Noise Control Committee consists of one member of the Governor's executive staff, appointed by the Governor, one representative of each of several specified departments, appointed by the Secretary of those departments, and one representative of any other principal department that develops, adopts, or enforces any noise control rule or regulation.

Before MDE adopts any environmental noise standard or sound level limit, it must submit the proposed environmental noise standard or sound level limit to the council for advice. Within 60 days after receiving a proposed environmental noise standard or sound level limit from MDE, the council must give MDE its advice on the proposal by recommending adoption, rejection, or modification.

**State Expenditures:** MDE estimates that this bill could result in an increase in general fund expenditures of \$14,557 in fiscal 2004 for office supplies, travel reimbursements to the new members, and additional staff time expended by the Assistant Attorney General (AAG) to perform legal research on federal, Maryland, and other state environmental noise laws and regulations. The AAG's services account for \$14,376 of this estimate.

Legislative Services disagrees with MDE's estimate and believes that additional costs, if any, could be handled within existing resources. The bill does not require any additional legal research. The bill does require that MDE conduct public hearings and prepare or solicit technical input before it proposes changes to the law and regulations governing environmental noise. To the extent that this may involve soliciting an opinion from the AAG, such requests would fall within the normal ambit of the AAG's function as legal advisor to MDE. Additionally, MDE already provides staff support to both the council and the committee; any additional time required as a result of the bill could be handled within existing resources. Finally, any additional office supplies or travel reimbursements to the new members of the council and the committee are anticipated to be minimal and absorbable within existing resources.

**Additional Comments:** To the extent local jurisdictions consider compliance with noise control standards in the zoning process, as the bill encourages them to do, the bill could result in a decrease in the number of complaints made regarding noise. Any such decrease is speculative and cannot be reliably estimated at this time. While a decrease in complaints would likely result in a decrease in costs related to responding to complaints, it is not anticipated to have a significant impact on State or local finances or on small business.

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### **Additional Information**

**Prior Introductions:** A similar bill was introduced as HB 1421 of 2002. The House Environmental Matters Committee held a hearing on the bill, but no further action was taken.

**Cross File:** SB 320 (Senator Conway) – Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of the Environment, Calvert County, Caroline County, Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 6, 2003  
lc/jr Revised - House Third Reader - March 19, 2003

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