

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 190 (Chair, Environmental Matters Committee)(By Request -
Departmental - Environment)

Environmental Matters Education, Health, and Environmental Affairs

Environment - Noise Control

This departmental bill repeals the requirements for the Maryland Department of the Environment (MDE) to enforce noise control standards and implement a coordinated statewide noise control program. It also repeals the Environmental Noise Advisory Council and the Interagency Noise Control Committee. Environmental noise standards, sound level limits, and noise control units may instead be adopted and enforced by local governments, including the authority to investigate complaints; institute and conduct a survey and testing program of noise and the sources of noise; and assess the degree of required abatement of any noise. The bill does not repeal the requirement for MDE to adopt noise standards, limits, or rules, and requires MDE to revise such standards and limits as necessary or appropriate. Finally, the bill repeals the application of the Administrative Procedure Act and certain existing notice and hearing requirements to the adoption by MDE of any noise standard, limit, or rule.

Fiscal Summary

State Effect: The bill does not materially affect State finances, as MDE has implemented only a minimal program in recent years. MDE workloads decrease minimally beginning in FY 2013 due to the elimination of MDE involvement in handling noise complaints and due to any future reduction in workload associated with revising noise standards under current administrative procedures; staff time will be redirected to higher priority activities.

Local Effect: Local government workloads may increase beginning in FY 2013 due to the elimination of MDE involvement in handling noise complaints. However, based on the recent history of the State noise control program, the impact on local government operations and finances is likely minimal. To the extent a local government opts to

expand implementation of noise control efforts due to the elimination of State involvement, expenditures may increase but could be partially or fully offset by additional fine revenue collected through any expanded enforcement activities.

Small Business Effect: MDE has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

Analysis

Current Law/Background: Because noise can have negative impacts on quality of life, MDE's noise control program was established to handle noise complaints throughout the State. MDE is required to adopt environmental noise standards, sound level limits, and noise control rules as necessary to protect public health, general welfare, and property.

State noise standards provide a degree of uniformity across Maryland, which is one of only a few states with a state-level program. However, according to MDE, noise violations are often a result of local land use decisions, which may be most appropriately handled at the local level. MDE works with local jurisdictions to create local noise ordinances and delegate enforcement via memoranda of understanding. Currently, jurisdictions without a noise ordinance can incorporate the minimum State standard by reference and may continue to do so under the bill. A local government may also develop rules specific to its jurisdiction. Several jurisdictions have adopted local ordinances or accepted delegation from MDE, including Anne Arundel, Harford, and Montgomery counties.

In 2005, MDE's noise control program was defunded and currently there are no personnel fully dedicated to implementing the program. Although MDE continues to receive telephone and written complaints about noise, these are generally referred to local governments for action. MDE advises that the bill will relieve the remaining staff person of the duty to handle the processing of noise complaints, as well as eliminating any expectations by the public of State involvement in noise control enforcement. Currently, MDE has authority to issue a civil penalty of up to \$10,000 for each violation of State noise regulations, though no enforcement action has been taken by MDE since the program was defunded, other than those begun prior to the loss of program funding.

Prior to adopting any noise standard, limit, or rule, MDE is required to follow the State's Administrative Procedure Act and additional notice and hearing requirements. In addition, the Environmental Noise Advisory Council was established to provide advice and assistance to MDE prior to making revisions to noise control standards. However, the advisory council has not existed since the noise program was defunded, and MDE

advises that the advisory council is no longer necessary since any proposed changes to noise standards are required to include a public participation process.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Anne Arundel, Charles, Frederick, and Montgomery counties; the cities of Frederick and Havre de Grace; Office of the Attorney General; Maryland Department of the Environment; Maryland Association of Counties; Maryland Municipal League; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2012
ncs/lgc

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Environment – Noise Control

BILL NUMBER: HB 190

PREPARED BY: Maryland Department of the Environment

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small business in Maryland.