



## MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

To County Executives/Council Members and Baltimore Mayor/City Council:

During the 2012 legislative session, a bill was enacted (HB 190) that transfers environmental noise enforcement authority from the Maryland Department of the Environment (MDE) to local units of government consistent with the legislature's 2004 decision to de-fund the agency's noise enforcement program. Transfer of authority becomes effective October 1, 2012. Under the new law, local governments have discretion and are not required to adopt a noise enforcement program as a result of authority transfer. Also, MDE continues to retain responsibility for maintaining the state-wide noise standards as well as granting justified exemptions to those standards for specific types of uses. The granting of site-specific, temporary variances to the State's or more restrictive local standards is slated to become a matter of local determination as the result of proposed changes to the existing environmental noise regulations (COMAR 26.02.03) prompted by the new law.

The purpose of this letter is to ensure that you are aware of the recent change to State law as well as MDE's forthcoming rule-making to bring the existing regulations into conformance with the new law and to address an exemption request from marina owners. To accomplish this, MDE intends to use its normal rule-making process with the goal of having needed changes to the regulations in place before the end of the calendar year.

To date, MDE has been coordinating with and providing status updates to local health departments through bi-monthly Environmental Health Liaison Committee meetings. The Department also published the enclosed article in the agency's electronic newsletter, giving it broad distribution as well as updated our noise web page to provide resources for local jurisdictions interested in developing enforcement programs. As soon as the proposed regulatory changes are ready for release to the public via the Maryland Register, the agency will post an announcement on its website including the opportunity to attend a public information session at MDE headquarters tentatively set for the afternoon of Tuesday, November 13.

In the meantime, I recommend that you review existing local authority and capacity to address citizen complaints about environmental noise pollution. MDE is committed to making this transition as smooth as possible, providing assistance where we are able. If you have any questions or concerns regarding this matter, please contact Marie C. Halka, Acting Director of the Science Services Administration at 410-537-3572 or by e-mail at [mhalka@mde.state.md.us](mailto:mhalka@mde.state.md.us).

Sincerely,

Robert M. Summers, Ph.D.  
Secretary

Enclosure

(cc's on next page)

cc: Michael Sanderson, Executive Director, Maryland Association of Counties  
Emily Hollis, Outreach Director, Maryland Association of Counties  
Scott Hancock, Executive Director, Maryland Municipal League  
Paula Chase-Hyman, Manager Member Relations, Maryland Municipal League  
Marie C. Halka, Acting Director of Science Services Administration  
Dr. Jed Miller, Science Services Administration  
Dr. Joshua M. Sharfstein, Secretary, Maryland Department of Health and Mental Hygiene  
Dr. Cliff Mitchell, Maryland Department of Health and Mental Hygiene  
Environmental Health Directors



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**A sound approach to noise that annoys**

By Matthew Rowe, Science Services Administration

**To eMDE Cover** A revised framework for enforcing noise standards is designed to lead to swift responses to complaints.

Under [House Bill 190](#), which was signed into law by Governor O'Malley, enforcement authority for state noise pollution standards will rest with local governments starting Oct. 1. This approach mirrors the delegation agreements MDE has had with some local governments – and is designed to allow citizen noise complaints to be addressed more efficiently and cost-effectively.

A 1974 Maryland law set statewide environmental noise standards and established MDE's predecessor, the Office of Environmental Programs in the Department of Health and Mental Hygiene, as the lead for implementing and enforcing noise standards. It also allowed for local jurisdictions to adopt noise control ordinances, rules or regulations and established committees to review noise controls and consider revisions.

Historically, MDE had an Inspector on staff to respond to and investigate noise complaints. In 2004, legislative action defunded MDE's noise control program, limiting the Department's enforcement capability. MDE then provided local governments with limited technical support and training to enforce the state noise standards. MDE also entered into delegation agreements with Anne Arundel and Harford counties, providing those jurisdictions with full enforcement authority.

Local governments can respond to noise complaints more rapidly than a state agency. Police or other local government agencies can enforce standards. And local jurisdictions, through planning and zoning provisions, can help prevent noise conflicts from arising. As a result, MDE worked with the General Assembly this year to legally transfer noise enforcement authority to local governments statewide.

The 2012 noise legislation retains Maryland's [noise standards](#). Those standards set limits based on land use and time of day. For instance, the daytime limit for residential areas is 65 decibels.

**Maximum Allowable Noise Levels (dBA)  
for Receiving Land Use Categories**

Day/Night	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

The regulation exempts such activities as lawn care, snow removal and the normal use of household tools during the day.

The new law also retains MDE's authority for updating these standards using current scientific and public health data. Local governments no longer need a formal delegation agreement from MDE and may adopt noise standards at least as stringent as existing standards. The law abolishes the state-level noise council and committee that had outlived their purpose.

The changes to Maryland statute are designed to allow citizen noise complaints to be more efficiently and cost-effectively addressed. MDE plans to conduct statewide outreach this summer and continue to provide local jurisdictions with limited technical support and training. Sound measurements and documentation are critical for resolving noise complaints. Citizens can assist during this transition by contacting their local leaders regarding the public health benefit of noise standard enforcement.

