



Internal Management Directive

Subject:	IMD Number:
Staff Guidance on Noise Control Issues	AQ.00.010
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Approval:	

Intent / Purpose / Statement of Need:

This guidance provides information on DEQ's former Noise Control Program and how staff should respond to noise inquiries and complaints.

Authority:

Applicability:

Background:

Oregon was one of the first states to adopt noise control regulations for airports, industry, racetracks, and motor vehicles. The regulations establish standards, provide exception and variance procedures, and provide enforcement. DEQ program responsibilities included technical assistance, education and public awareness, responding to complaints, and carrying out enforcement activities. The statute gives the Environmental Quality Commission (EQC) authority to withdraw enforcement of the state regulations in jurisdictions that have adopted noise regulations that meet or exceed the state regulations. The EQC has never exercised this authority. In the 1970s and 1980s, DEQ participated in the local comprehensive land use plan development process to ensure noise issues were addressed and that local plans acknowledged the state regulations. A number of local governments have adopted their own noise control standards, or have adopted DEQ's regulations by reference.

Program Termination: The DEQ, upon Legislative approval, terminated the Noise Control Program in July 1991 as an agency cost-savings measure due to reduction in General Fund support. Upon termination, DEQ took the necessary steps to inform local governments and the public, and provided guidance on how the statutes and rules would continue to apply. Additionally, DEQ provided local governments training on developing local noise ordinances and enforcement strategies.

Internal Contact:

Policy:

Enforcement of State Noise Regulations: Although DEQ's Noise Control Program has been terminated, the noise statutes and administrative rules remain in force. Regulated noise sources are legally responsible for complying with the state noise laws. The noise statutes are in ORS Chapter 467 and administrative rules in OAR 340 Division 35.

- Enforcement now falls under the responsibility of local governments, and in some cases, other agencies. Options available to local governments and the public include:
- Local governments may enact and enforce the State standards, or may adopt their own standards and enforcement, as long as the standards are consistent with or exceed the State standards.
- In some cases, a private citizen or local government may bring a nuisance suit through private legal counsel or local district attorney's office.
- A local government may submit evidence of a state noise violation to the local district attorney's office, and enforcement would be at the discretion of that office.
- The Energy Facility Siting Council (EFSC), under the Department of Energy, is authorized to approve the siting of large energy facilities in the State. EFSC staff review applications to ensure that proposed facilities meet the State noise regulations. Smaller energy facilities that are exempt from EFSC's authority may be subject to county noise regulations, and must also comply with the State regulations.

Staff Response to Noise Related Inquiries: There is no longer a state noise program and funding for DEQ to respond to complaints, provide advice, or interpret the State noise regulations. DEQ must ensure that its resources are only spent on programs approved by the Legislature. Staff response to noise related inquiries need to be limited to the following:

- Explain that the noise program was terminated and that DEQ has no authority or resource to work on noise issues or respond to noise complaints.
- Citizen inquiries should be directed to the affected local government planning department or agency.
- If the caller has further concerns, express your regret in not being able to assist under the circumstances, and if necessary, offer to have your manager contact the individual.