



Frequently Asked Questions about Noise Pollution -- for Local Government

from Ecology's Rules Unit; prepared in conjunction with the Office of Regulatory Assistance

This publication provides answers to the most frequently asked questions the Department of Ecology (Ecology) receives from local government about noise pollution.

Q: What is the role of local government in regulating noise?

A: There are three roles that local government may have in regulating noise:

1. Adopt a local noise ordinance to set noise standards for their area.
2. Enforce the local noise ordinance.
3. If no local noise ordinance exists, enforce Ecology's rules.

Q: Can a local government adopt a local noise ordinance?

A: Yes. Local governments can do any of the following.

- Use Ecology's rules;
- Adopt a local noise ordinance that includes:
 - All of Ecology's rules;
 - Sections of Ecology's rules;
 - Sections of Ecology's rules along with standards written by the local government; or
- Standards that are different from those in Ecology's rules, if submitted to Ecology and not disapproved.

Q: What if the local noise ordinance is different from Ecology's rules?

A: When the local noise ordinance is different, the standards and limits in the local noise ordinance will apply. If something is not covered by the local ordinance, then Ecology's rules (Chapter 173-58, 173-60, 173-62 WAC) will apply. Any ordinance differing from Ecology's rules must be submitted to Ecology for approval.

Q: Do local noise ordinances need to be submitted to Ecology?

A: The only time a local noise ordinance needs to be submitted to Ecology is when it is different from Ecology's rules. However, Ecology will appreciate receiving copies of all local noise ordinances.

Q: Where do local governments submit their noise ordinances?

A: Department of Ecology
Office of Regulatory Assistance
P.O. Box 47600
Olympia, WA 98504-7600

Q: If a local noise ordinance is not submitted to Ecology is it valid?

A: The local noise ordinance needs to be submitted to Ecology only if it *differs* from Ecology's rules. RCW 70.107.060(3) clearly states that "...Noise-limiting requirements of local government which differ from those adopted or controlled by the department **shall be invalid** unless first approved by the department. If the Department of Ecology fails to approve or disapprove standards submitted by local governmental jurisdictions within ninety days of submittal, such standards shall be deemed approved."

Q: What if there is no local noise ordinance?

A: If there is no local noise ordinance then Ecology's rules apply and are enforceable by the local government:

- Chapter 70.107 RCW, Noise Control
- Chapter 173-58 WAC, Sound Level Measurement Procedures
- Chapter 173-60 WAC, Maximum Environmental Noise Levels
- Chapter 173-62 WAC, Motor Vehicle Noise Performance Standards

Q: What if a local government chooses not to enforce noise rules or ordinances?

A: The authority to enforce noise standards is delegated by the state to local governments. There is nothing in the current RCW or WAC that makes it mandatory to enforce local noise ordinances.

Q: How does the State Environmental Policy Act (SEPA) apply to noise pollution?

A: SEPA requires state and local agencies to consider a broad range of environmental issues before approving a proposal. Noise is one element of the environment that must be considered. If a proposal is likely to harm the environment, state and local agencies have the authority to condition the proposal. For more information about SEPA, visit the SEPA Web site at www.ecy.wa.gov/programs/sea/sepa/e-review.html.

Q: How do local governments manage noise pollution without funding for a noise program?

A: There are things local governments can do even without a specific noise program or funding for such a program. Below are examples of how to incorporate noise pollution control into local planning efforts.

- Include noise issues in land-use planning and permitting decisions.
- Participate in regional planning activities.
- Use parks, open spaces (greenbelts), and native plants (trees, shrubs) as barriers and buffers to decrease noise.

Q: Who will come and measure noise?

A: There are a few private companies that measure noise that can usually be found in the local yellow pages under acoustics or sound engineers. The local health department or another local department responsible for enforcing the noise rule also may be able to measure environmental noise. The state Department of Labor and Industries measures noise in the work place.

Q: Where can local government get information to help regulate noise?

A: The following resources are available.

- **Noise pollution Web site** - Department of Ecology provides information on environmental and motor vehicle noise. Visit the site at <http://www.ecy.wa.gov/laws-rules/noise.htm>.

- **Off-road and other non-highway vehicles** - State law requires off-road and other non-highway vehicles to use specified noise-muffling devices (RCW 46.09.120(1)(e) maximum limits and test procedures). State agencies and local governments may adopt regulations governing the operation of non-highway vehicles on property, streets, or highways within their jurisdiction, provided they are not less stringent than state law (RCW 46.09.180 regulation by local political subdivisions).

- **Railroad noise**

The Federal Railroad Administration handles complaints about rail noise.

Federal Railroad Administration
Regional Administrator; region 8
Murdock Building
703 Broadway
Vancouver, WA 98660
(360) 696-7536