DEQ 14-2017

CHAPTER 340

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**FILED**

10/30/2017 2:57 PM

FILING CAPTION: Noise Control Regulations

EFFECTIVE DATE: 11/02/2017

AGENCY APPROVED DATE: 01/19/2017

**Rule Caption:** Noise Control Regulation Tables 2016

**Stat. Auth.:** ORS 467, 468.020 & 783.620–783.640

**Stats. Implemented:** ORS 467, 467.010, 467.030 &

783.620–783.640

**Proposed Amendments:** 340-035-0015, 340-035-0025, 340-035-0030, 340-035-0035, 340-035-0040, 340-035-0045

**Last Date for Comment:** 5-25-16, 4 p.m.

 **Summary:**

This action involves DEQ’s noise control regulations, found at OAR 340 division

35.

In 1991 the Oregon Legislature withdrew all funding for implementing and administering DEQ’s noise regulations. (See OAR 340-035-0110.) DEQ therefore ended its noise control program,

although the noise control regulations remain in effect. In response to budget reductions, DEQ no longer conducts a noise control program or enforces the noise control regulations. DEQ has no funding or program to respond to noise complaints, to provide advice about noise issues or to interpret the noise regulations. Local governments may choose to enforce the noise regulations.

The changes DEQ is proposing for the noise regulations are purely administrative to make it easier for the public to access information about these rules. These changes do not indicate any change in DEQ policy or practice concerning the noise regulations. DEQ still does not have a noise control program or have funding or the ability to enforce, apply or interpret the noise regulations, or to investigate noise issues or complaints. The noise control regulations refer to a number of tables and external documents. Currently, those documents are not published with the official version of the rules on the Oregon Secretary of State web page. Instead, DEQ maintains those documents on its own web site. In this rulemaking DEQ is asking the EQC to approve amendments to the noise regulations that only incorporate directly into the rules the tables and documents the rules already refer to. This will make it easier for users of these rules to find the information they need to interpret and apply the rules. It will also relieve DEQ from the cost and responsibility of maintaining these documents on its web site. This rule change does not change any content or wording of the noise control regulations. There is no change in the meaning, effect, or application of these rules. There is also no negative fiscal impact to any person or entity from this rule change. DEQ will therefore ask the EQC to approve these proposed amendments to the division 35 noise control regulations.