

Jud Mintz

PUBLIC LAW 95-609—NOV. 8, 1978

92 STAT. 3079

Public Law 95-609
95th Congress

7-96-01

An Act

TI-A-506

Extend provisions of the Noise Control Act of 1972 for one year, and for other purposes. Nov. 8, 1978
(S. 3083)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Quiet Communities Act of 1978".

Quiet
Communities Act
of 1978.
42 USC 4901
note.
42 USC 4913.

Sec. 2. Section 14 of the Noise Control Act of 1972 is amended to read as follows:

"QUIET COMMUNITIES, RESEARCH, PUBLIC INFORMATION

"Sec. 14. To promote the development of effective State and local noise control programs, to provide an adequate Federal noise control research program designed to meet the objectives of this Act, and to otherwise carry out the policy of this Act, the Administrator shall, in cooperation with other Federal agencies and through the use of grants, contracts, and direct Federal actions—

"(a) develop and disseminate information and educational materials to all segments of the public on the public health and other effects of noise and the most effective means for noise control, through the use of materials for school curricula, volunteer organizations, radio and television programs, publication, and other means;

"(b) conduct or finance research directly or with any public or private organization or any person on the effects, measurement, and control of noise, including but not limited to—

"(1) investigation of the psychological and physiological effects of noise on humans and the effects of noise on domestic animals, wildlife, and property, and the determination of dose/response relationships suitable for use in decision-making, with special emphasis on the nonauditory effects of noise;

"(2) investigation, development, and demonstration of noise control technology for products subject to possible regulation under sections 6, 7, and 8 of this Act;

"(3) investigation, development, and demonstration of monitoring equipment and other technology especially suited for use by State and local noise control programs;

"(4) investigation of the economic impact of noise on property and human activities; and

"(5) investigation and demonstration of the use of economic incentives (including emission charges) in the control of noise;

"(c) administer a nationwide Quiet Communities Program which shall include, but not be limited to—

"(1) grants to States, local governments, and authorized regional planning agencies for the purpose of—

"(A) identifying and determining the nature and extent of the noise problem within the subject jurisdiction;

“(B) planning, developing, and establishing a noise control capacity in such jurisdiction, including purchasing initial equipment;

“(C) developing abatement plans for areas around major transportation facilities (including airports, highways, and rail yards) and other major stationary sources of noise, and, where appropriate, for the facility or source itself; and,

“(D) evaluating techniques for controlling noise (including institutional arrangements) and demonstrating the best available techniques in such jurisdiction;

“(2) purchase of monitoring and other equipment for loan to State and local noise control programs to meet special needs or assist in the beginning implementation of a noise control program or project;

“(3) development and implementation of a quality assurance program for equipment and monitoring procedures of State and local noise control programs to help communities assure that their data collection activities are accurate;

“(4) conduct of studies and demonstrations to determine the resource and personnel needs of States and local governments required for the establishment and implementation of effective noise abatement and control programs; and

“(5) development of educational and training materials and programs, including national and regional workshops, to support State and local noise abatement and control programs;

except that no actions, plans or programs hereunder shall be inconsistent with existing Federal authority under this Act to regulate sources of noise in interstate commerce;

“(d) develop and implement a national noise environmental assessment program to identify trends in noise exposure and response, ambient levels, and compliance data and to determine otherwise the effectiveness of noise abatement actions through the collection of physical, social, and human response data;

“(e) establish regional technical assistance centers which the capabilities of university and private organizations to assist State and local noise control programs;

“(f) provide technical assistance to State and local governments to facilitate their development and enforcement of noise control, including direct onsite assistance of agency or other personnel with technical expertise, and preparation of model State or local legislation for noise control; and

“(g) provide for the maximum use in programs assisted under this section of senior citizens and persons eligible for participation in programs under the Older Americans Act.”.

42 USC 3001
note.

49 USC 1431.

SEC. 3. The fourth sentence of section 611(c)(1) of the Federal Aviation Act, as amended by section 7 of the Noise Control Act of 1972, is amended by striking “a reasonable time” and inserting in lieu thereof “ninety days”, and by adding before the period “and a detailed analysis of and response to all documentation or other information submitted by the Environmental Protection Agency with such proposed regulations”.

Sec. 4. Section 11(a) of the Noise Control Act of 1972 is amended by inserting "(1)" after "(a)" and by adding the following new paragraph: 42 USC 4910.

(2) Any person who violates paragraph (1), (3), (5), or (6) of section (a) of section 10 of this Act shall be subject to a civil penalty not to exceed \$10,000 per day of such violation". Penalty.

Sec. 5. Section 6 of the Noise Control Act of 1972 is amended by adding the following subsection: 42 USC 4905.

"(f) At any time after the promulgation of regulations respecting a product under this section, a State or political subdivision thereof may petition the Administrator to revise such standard on the grounds that a more stringent standard under subsection (c) of this section is necessary to protect the public health and welfare. The Administration shall publish notice of receipt of such petition in the Federal Register and shall within ninety days of receipt of such petition respond by (1) publication of proposed revised regulations in accordance with subsection (c) (3) of this section, or (2) publication in the Federal Register of a decision not to publish such proposed revised regulations at that time, together with a detailed explanation for such decision." Notice, publication in Federal Register.

Sec. 6. Section 10 of the Noise Control Act of 1972 is amended to read as follows: 42 USC 4918.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 10. There are authorized to be appropriated to carry out this Act (other than for research and development) \$15,000,000 for the fiscal year ending September 30, 1979."

Sec. 7. (a) Section 1002(a) (4) of the Solid Waste Disposal Act is amended by deleting the hyphen between the words "solid" and "waste" in the last line. 42 USC 6901.

(b) Section 1004 of the Solid Waste Disposal Act is amended by— 42 USC 6903.

(1) revising paragraph (8) by striking out everything after "improvement of land";

(2) revising paragraph (10) by striking out "disposal" and inserting in lieu thereof "management";

(3) by revising paragraph (20) to read as follows:

"(20) The term 'solid waste management facility' includes— "Solid waste management facility."

"(A) any resource recovery system or component thereof,

"(B) any system, program, or facility for resource conservation, and

"(C) any facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid wastes, including hazardous wastes, whether such facility is associated with facilities generating such wastes or otherwise."

(c) Section 1008(a) (3) of the Solid Waste Disposal Act is amended by striking out "title IV" and inserting in lieu thereof "subtitle D". 42 USC 6907.

(d) Section 1008(b) of the Solid Waste Disposal Act is amended by striking "pursuant to this section" and by inserting after "suggested guidelines" each time it appears the phrase "or proposed regulations under this Act".

(e) Section 2003 of the Solid Waste Disposal Act is amended by inserting "Federal agencies," after "to provide". 42 USC 6913.

- 42 USC 6922. (f) Section 3002 of the Solid Waste Disposal Act is amended by—
 (1) revising paragraph (5) by striking out the semicolon after “subtitle” and substituting a comma, and by striking out “an” and inserting in lieu thereof “or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052)”; and
 and
 (2) revising paragraph (6) by adding a close parenthesis after “subtitle” the first time it appears.
- 33 USC 1411. (g) Section 3003 of the Solid Waste Disposal Act is amended by—
 (1) revising subsection (a) (4) by striking out the period after “subtitle” and substituting a comma, and by adding at the end thereof “or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052).”; and
 (2) revising subsection (b) by striking out “subtitle” after “the regulations promulgated by the Administrator under this” and inserting in lieu thereof “section”.
- 42 USC 6923. (h) Section 3005(a) of the Solid Waste Disposal Act is amended by inserting “treatment, storage, or” after “and upon and after such date the”.
- 42 USC 6925. (i) Section 3006(c) of the Solid Waste Disposal Act is amended by—
 (1) striking out “required for” wherever it appears in the subsection and inserting in lieu thereof “of”; and
 (2) inserting the word “may” immediately after “3005,” and before “submit”.
- 42 USC 6926. (j) Section 3007(a) (1) of the Solid Waste Disposal Act is amended by striking out “or disposed of” and inserting in lieu thereof “disposed of, or transported from”.
- 42 USC 6927. (k) Section 3008 of the Solid Waste Disposal Act is amended by—
 (1) revising subsection (d) (1) to read as follows:
 “(1) transports any hazardous waste identified or listed under this subtitle to a facility which does not have a permit under section 3005 (or 3006 in the case of a State program), or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052).”; and
 (2) revising subsection (d) (2) to read as follows:
 “(2) treats, stores, or disposes of any hazardous waste identified or listed under this subtitle without having obtained a permit under section 3005 (or 3006 in the case of a State program) or pursuant to title I of the Marine Protection, Research, and Sanctuaries Act (86 Stat. 1052).”
- 42 USC 6928. (l) Section 4007(C) of the Solid Waste Disposal Act is amended by redesignating subsection “(C)” as “(e)”.
- 42 USC 6947. (m) Section 6001 of the Solid Waste Disposal Act is amended by inserting “or management” between “disposal” and “of solid waste”.
- 42 USC 6961. (n) Section 6002 of the Solid Waste Disposal Act is amended by—
 (1) deleting “(A)” after “(1)” in subsection (c) and changing “(B)” and “(C)” to “(2)” and “(3)”, respectively; and changing “(i)”, “(ii)”, and “(iii)” to “(A)”, “(B)”, and “(C)”, respectively;
 (2) in subsection (c) (3) as redesignated, striking “Contracting” and inserting in lieu thereof “After the date specified in any applicable guidelines prepared pursuant to subsection (e) of this section, contracting”; and
- 42 USC 6962. (1) deleting “(A)” after “(1)” in subsection (c) and changing “(B)” and “(C)” to “(2)” and “(3)”, respectively; and changing “(i)”, “(ii)”, and “(iii)” to “(A)”, “(B)”, and “(C)”, respectively;

- (8) inserting in the second sentence of subsection (e) after "containing such materials" the phrase "and with respect to certification by vendors of the percentage of recovered materials ad,".
- Section 6004 of the Solid Waste Disposal Act is amended 42 USC 6964.
by—
- (1) revising subsection (a) (1) (A) by striking out "disposal" and inserting in lieu thereof "management";
 - (2) revising subsection (a) (1) (B) by striking out "disposal" and inserting in lieu thereof "management"; and
 - (3) revising subsection (b) by striking out "Secretary" and inserting in lieu thereof "Administrator".
- (p) Section 7002 of the Solid Waste Disposal Act is amended 42 USC 6972.
by—
- (1) revising subsection (c) by striking out "section 212" and inserting in lieu thereof "subtitle C"; and
 - (2) revising subsection (e) by striking out "requiring" and inserting in lieu thereof "require".
- (q) Section 7003 of the Solid Waste Disposal Act is amended 42 USC 6973.
by striking out "for" before "contributing to the alleged disposal".
- (r) Section 7007 of the Solid Waste Disposal Act is amended 42 USC 6977.
by—
- (1) revising subsection (b) (1) (A) by striking out "disposal" and inserting "management"; and by striking out "resources" and inserting "resource";
 - (2) revising subsection (b) (1) (B) by striking out "disposal" and inserting "management"; and
 - (3) revising subsection (c) (3) by striking out "disposal" and inserting "management" in lieu thereof.
- (s) Section 8001(a) of the Solid Waste Disposal Act is amended 42 USC 6981.
by—
- (1) revising paragraph (2) by striking out "disposal" and inserting "management" in lieu thereof; and
 - (2) revising paragraph (13) by inserting "treatment," after "or purpose of".
- Section 8002 of the Solid Waste Disposal Act is amended 42 USC 6982.
by—
- (1) revising paragraph (1) of subsection (g) by inserting a comma between "shale" and "liquefaction";
 - (2) revising paragraph (1) of subsection (j) by inserting "the Secretary of Energy, the Chairman of the Council of Economic Advisors," before "and a representative of the Office of Management and Budget,";
 - (3) revising paragraph (2) of subsection (j) by striking "(2) (D)" and inserting "(1) (D)" in lieu thereof;
 - (4) revising paragraph (3) of subsection (j) by striking "(2) (D)" and inserting "(1)" in lieu thereof; and
 - (5) revising subsection (1) by striking out "required under subsection (a), (h), (i) and (j)" and inserting in lieu thereof "required under subsections (a), (h), and (i)".
- (u) Section 8003(a) (3) of the Solid Waste Disposal Act is 42 USC 6983.
amended by striking out "discarded materials" and inserting "solid waste" in lieu thereof.

92 STAT. 3084

PUBLIC LAW 95-609—NOV. 8, 1978

42 USC 6984.

Aircraft noise
effects, joint
study.
49 USC 1431
note.

Report to
Congress.

(v) Section 8004(a)(1) of the Solid Waste Disposal Act is amended by striking out "discarded material" and inserting "solid waste" in lieu thereof.

Sec. 8. (a) The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly study the aircraft noise effects from an airport on communities located in a State other than the State in which the airport is located. The criteria to be used in selecting the airport to be studied shall include:

(1) the airport shall be operated by a State, a unit of general purpose local government of a State, or a special purpose entity constituted for the purpose of operating an airport, and

(2) the airport shall have a point on the airport boundary within one nautical mile from a State boundary, and

(3) the airport shall have had in excess of sixty thousand scheduled air carrier departures during the preceding calendar year.

(b) The study shall be conducted in cooperation with the airport operator, appropriate Federal, State, and local officials, and the appropriate Metropolitan Planning Organization.

(c) The Secretary and the Administrator shall prepare and submit to Congress a report within nine months of the conclusion of the study, but no later than twenty-four months after enactment of this section.

Approved November 8, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1171, accompanying H.R. 12647 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 95-875 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD, Vol. 124 (1978):

July 19, considered and passed Senate.

Oct. 10, H.R. 12647 considered and passed House, passage vacated, and S. 3083, amended, passed in lieu.

Oct. 13, Senate concurred in House amendments.