

A-96-01  
II-A-644

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Notes for Meeting Relative to Noise  
Regulatory Responsibility

- Residual noise functions transferred from OAR to OEA/OFA by Administrator on 18 August 1986.
- OEA/OFA understood that all ongoing functions would continue to be performed at a maintenance level.
- OFA continued the maintenance level operations throughout the summer and fall of 1986.
- The noise program was fully integrated into ongoing agency activities under NEPA and Section 309, so that long-term compliance activities associated with noise act requirements were conducted in conjunction with the EPA environmental review process.
- During the October 1986 term of the Supreme Court, the State of Delaware appealed a ruling by the 3rd Circuit Court involving their attempt to regulate the noise from a railyard. The Supreme Court remanded the case back to the 3rd Circuit for further consideration.
- During late fall of 1986 the City of Seattle petitioned the Administrator for "special local condition" status, to permit them to issue State regulations covering the noise made by a railyard already regulated by the Federal Government.
- Both the Delaware and Seattle cases will probably result in the requirement for further Federal regulation.
- The A/A OEA does not feel that OEA should become involved in issuing regulations.
- The responsibility for issuance of noise regulations under Sections 5, 6, 8, 10, 15, 17, 18 should be assumed by OAR.
- One way this responsibility can be formally agreed to is by a Memorandum of Understanding (MOU) between OEA and OAR.
- The EIS and non-regulatory functions of the noise program should remain with OFA and continue to be integrated into the NEPA, 309 review process. This effort has been an ongoing function and has been one of our most active areas.

- OFA should retain the Section 7, aircraft functions of the Act, since the person performing the non-regulatory noise functions for OFA was the former branch chief of the EPA Aviation Assistance Branch in the Noise Office and is a graduate of the Air University of the U.S. Air Force. His assistant is a reemployed retiree who has 15 years' experience in civil aviation noise work.
- A very large amount of agency EIS work involves noise effects from Air Force bases and civil aviation airports and the expertise in this area resides in OFA.
- If this division of labor can be worked out satisfactorily, OFA can commit the services of qualified staff members to any duly constituted noise regulatory work group.
- In this way, they can assist in any proposed regulatory development, while at the same time, continue their non-regulatory work as members of OFA.
- Greater detail of breakdown of responsibilities indicated in enclosed "Noise Discussion Paper."

## NOISE DISCUSSION PAPER

### I. Background

The EPA noise program has been integrated into ongoing agency activities under NEPA and Section 309, so that long-term compliance activities associated with noise act requirements can be conducted in conjunction with the EPA environmental review process. The objective of the environmental review process is to foster the goals of the NEPA process by ensuring that the EPA's environmental expertise, including noise, as expressed in its comments in Federal actions and other interagency liaison activity, is considered by agency decisionmakers.

### II. Activities Requiring Mainly Contact with other Agencies or the Public

#### ° Interagency Activities

#### Authority

1. Under our responsibilities pursuant to the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act, as amended, we review on a continuing basis, Federal activities that can create noise impacts throughout the nation. This effort has been an ongoing function and has been one of the our most active areas.

- Section 4 NCA  
- NEPA  
- 309 of Air Act

2. EPA participates in the development of, and comments on, all FAA aircraft noise standards. We are also consulted by FAA on the granting of any exemptions from any FAA standards. We also consult on special noise situations. This is an area where we are also involved by virtue of our Section 309 and NEPA responsibilities as well as the Noise Control Act.

- Section 7 NCA  
- 309 CAA

3. The Agency is a member of the Interagency Group on International Aviation (IGIA) which formulates the U.S. position on aviation noise for presentation to the International Civil Aviation Organization (ICAO) Committee on Aviation Environmental Protection.

- Section 7 NCA  
- Section 611 FAA

◦ Interagency Activities

Authority

4. We work with State and local governments in the development of noise abatement plans. We recently completed assisting the State of Maryland with the noise portion of their State Environmental Plan.

- Section 14 NCA

5. Under the provisions of the Noise Control Act, each Federal agency is required to comply with Federal, State, and local noise control requirements. We are continuing our work to ensure such compliance on the part of Federal agencies by incorporation this into our Federal facilities compliance program. This will include such things as project reporting by agencies, inspection and monitoring of Federal facilities, and approval of appropriate exemptions of Federal facilities.

- Section 4 NCA

◦ Congressional and Public Information Activities:

1. We presently respond to a very large number of written and telephone requests from Congress, industry and the public for information or assistance. Additionally, EPA provides a large number of noise related publications to the public.

- Section 14 NCA

2. We work with public interest groups such as the American Speech and Hearing Association, Better Hearing Institute, Alexander Graham Bell Association, etc. in areas of common interest.

- Section 14 NCA

3. Along the same lines, we work with professional and governmental groups interested in noise abatement and control, such as the National Association of Counties, the National League of Cities, the National Governors Conference, etc. Also work with several major universities.

- Section 14 NCA

### III. Activities Requiring Mainly Regulatory Oversight or Development

#### ° Interagency Activities

#### Authority

1. We exercise regulatory oversight for 11 noise regulations in effect. When EPA was recently petitioned by industry for a change in the medium and heavy truck regulation, we responded to these petitions with changes. - Sections (NCA) 5, 6, 17, 15, 18
2. If a State or local government wishes to issue regulations in an area considered preempted by the Federal Government, we are responsible for deciding whether a "special local determination" can be issued permitting such regulation. - Sections (NCA) 17, 18
3. There are a wide number of regulatory-related responsibilities that are handled on a case-by-case basis as they occur.
  - ° Granting of model specific codes for labels on all imported motorcycles and mopeds covered by EPA regulations. - Section 8 NCA
  - ° Research, studies, demonstrations or exemptions for manufactured products distributed in commerce that do not meet specified criteria. - Section 10 NCA
  - ° Hearing Protector regulation oversight. - Section 8 NCA
  - ° Under the general provisions regulation for product noise labeling, we assist product manufacturers or trade associations in developing voluntary noise labeling programs. - Section 8 NCA

SUMMARY

Noise Control Act  
(By Section)

Recommended Office within EPA  
Responsible for Activities

<u>Section</u>	<u>Section</u>
1. Title	
2. Policy	
3. Definitions	
4. Federal Programs	OFA — OK
5. Criteria	OAR ✓
6. Regulations	OAR ✓
7. Aircraft	OFA — OK
8. Labeling	OAR ✓
9. Imports	OFA — OK ?
10. Prohibited Acts	OAR ✓
11. Enforcement	
12. Citizen Suits	
13. Records	
14. Quiet Communities	OFA ?
15. Low-Noise Products	OAR ✓
16. Witnesses	
17. Railroads	OAR ✓
18. Motor Carriers	OAR ✓
19. Appropriations	