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**WAC 463-XX-XXX Noise**

**(1) Introduction.**

This rule describes the level of noise permitted from the operation of thermal power plants under the Council's jurisdiction.

**(2) Definitions.**

- (a) "dBA" means the sound pressure level in decibels measured using the "A" weighting network on a sound level meter.
- (b) "EDNA" means the environmental designation for noise abatement.
- (c) "Existing" means a process, event or activity producing sound subject to or exempt from this chapter, prior to \_\_\_\_\_ *[Fill in effective date of rule]*
- (d) "Facility" means a thermal power plant under the Council's jurisdiction.
- (e) "Local Government" means the county or city government having jurisdiction over the property at issue.
- (f) "Noise" means the intensity, duration and character of sounds emitted from the facility.
- (g) "Person" means any individual, corporation, partnership, association, governmental body, state agency or other entity whatsoever.
- (h) "Property boundary" means the surveyed line at ground surface that separates the real property owned by one or more persons from that owned by one or more other persons, and its vertical extension.
- (i) "Sound level meter" means a device that measures sound pressure levels and conforms to Type 1 or 2 as specified in the American National Standards Institute Specification S1.4-1971.

**(3) Environmental Designations for Noise Abatement (EDNA).**

1 The environmental designation for noise abatement (EDNA) of a particular parcel of property shall  
2 be determined as follows:  
3

4 (a) In areas covered by a zoning ordinance or a comprehensive plan adopted by a local  
5 government, properties shall have the following EDNAs based upon their designations under the  
6 zoning ordinance or comprehensive plan. For purposes of this rule, the designation under a zoning  
7 ordinance shall take precedence if it conflicts with the designation under a comprehensive plan.  
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10 (i) Residential zones or areas – Class A EDNA  
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12 (ii) Commercial zones or areas – Class B EDNA  
13

14 (iii) Industrial zones or areas – Class C EDNA  
15

16 (b) In areas that are not covered by a local zoning ordinance or an adopted comprehensive  
17 plan, properties shall have the following EDNAs based upon their typical usage, taking into  
18 consideration the historical, present and future use of the property, as well as the use of adjacent  
19 and other properties in the vicinity.  
20

21 (i) Class A EDNA – Lands where human being reside and sleep. Typically, the Class  
22 A EDNA will be the following types of property for human habitation: residential; multiple  
23 family living accommodations; recreational and entertainment (e.g., camps, parks, camping  
24 facilities, and resorts); and community service (e.g., orphanages, homes for the aged,  
25 hospitals, health and correctional facilities).  
26

27 (ii) Class B EDNA – Lands involving uses requiring protection against noise  
28 interference with speech. Typically, the Class B EDNA will be the following types of  
29 property: commercial living accommodations; commercial dining establishments; motor  
30 vehicle services; retail services; banks and office buildings; miscellaneous commercial  
31 services, property not used for human habitation; recreational and entertainment, property  
32 not used for human habitation (e.g., theaters, stadiums, fairgrounds, and amusement parks);  
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1 and community services, property not used for human habitation (e.g., educational,  
2 religious, governmental, cultural and recreational facilities).

3  
4 (iii) Class C EDNA – Lands involving economic activities of such a nature that higher  
5 noise levels than experienced in other areas are normally to be anticipated. Persons  
6 working in these areas are normally covered by noise control regulations of the department  
7 of labor and industries. Uses typical of the Class A EDNA are generally not permitted  
8 within such areas. Typically, the Class C EDNA will be the following types of property:  
9 storage, warehouse and distribution facilities; industrial property used for the production  
10 and fabrication of durable and nondurable man-made goods; and agricultural and  
11 silvicultural property used for the production of crops, wood products or livestock.  
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20 **(4) Maximum Permissible Noise Levels.**

21  
22 (a) Except as provided in subsections (4)(c), (5) and (6) below, operational noise from thermal  
23 power plants under the Council's jurisdiction shall not exceed the following levels at receiving  
24 properties:  
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EDNA of Receiving Property		
Class A	Class B	Class C
60 dBA	65 dBA	70 dBA

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37 (b) Between the hours of 10:00 p.m and 7:00 a.m., the noise limitations of the foregoing table  
38 shall be reduced by 10 dBA for receiving properties within Class A EDNAs.

39  
40 (c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be  
41 exceeded for any receiving property by no more than:  
42

- 43  
44 (i) 5 dBA for a total of 15 minutes in any one-hour period; or  
45  
46 (ii) 10 dBA for a total of 5 minutes in any one-hour period; or  
47

1 (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

2  
3 **(5) Exemptions.**

4  
5 (a) The following shall be exempt from the provisions of subsection (4)(a) above between the  
6 hours of 7:00 a.m. and 10:00 p.m.:

7  
8 (i) Sounds created by blasting.

9  
10 (ii) Sounds created by the installation or repair of essential utility services.

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12 (b) The following shall be exempt from the provisions of subsection (4)(b) above:

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14 (i) Noise from electrical substations and existing stationary equipment used in the  
15 conveyance of water, wastewater, and natural gas by a utility.

16  
17 (ii) Noise from existing industrial installations that exceed the standards contained in  
18 this rule and which, over the previous three years, have consistently operated in excess of  
19 15 hours per day as a consequence of process necessary and/or demonstrated routine  
20 normal operation. Changes in working hours, which would affect exemptions under this  
21 regulation require Council approval.

22  
23 (c) The following shall be exempt from the provisions of subsection (4) above, except insofar  
24 as such provisions related to the reception of noise within Class A EDNAs between the hours of  
25 10:00 p.m. and 7:00 a.m.

26  
27 (i) Sounds originating from temporary construction sites as a result of construction  
28 activity.

29  
30 (ii) Sounds originating from forest harvesting and silvicultural activity.

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32 (d) The following shall be exempt from the provisions of subsection (4) above:

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34 (i) Sounds created by motor vehicles when regulated by chapter 173-62 WAC.

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36 (ii) Sounds created by warning devices not operating continuously for more than five  
37 minutes, or bells, chimes, and carillons.

- 1 (iii) Sounds created by safety and protective devices where noise suppression would  
2 defeat the intent of the device or is not economically feasible.  
3  
4 (iv) Sounds created by emergency equipment and work necessary for health, safety or  
5 welfare of the community.  
6  
7 (v) Sounds caused by natural phenomena and unamplified human voices.  
8  
9 (vi) Sounds created by motor vehicles, licensed or unlicensed, when operated off  
10 public highways except when such sounds are received in Class A EDNAs.  
11  
12 (vii) Sounds originating from existing natural gas transmission and distribution facilities.  
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14 However, in circumstances where such sounds impact EDNA Class A environments and  
15 complains are received, the Council may take action to abate by application of EDNA  
16 Class C source limits to such facilities under the Council's jurisdiction.  
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22 **(6) Variances and Waivers.**  
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24 (a) The Council may grant variances to any person from any particular requirement of this  
25 chapter, if findings are made that immediate compliance with such requirement cannot be achieved  
26 because of special circumstances rendering immediate compliance unreasonable in light of  
27 economic or physical factors, encroachment upon an existing noise sources, or because of  
28 nonavailability of feasible technology or control methods. Any such variance or renewal thereof  
29 shall be granted only for the minimum time period found to be necessary under the facts and  
30 circumstances.  
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38 (b) The Council shall grant a waiver of the applicable noise limit established by subsection (4)  
39 above with respect to a particular receiving property if the owner of such property grants a noise  
40 easement or otherwise agrees to be subject to noise from the facility that exceeds the limits  
41 established by subsection (4) above.  
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46 **(7) Compliance.**  
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For purposes of complying with this rule, noise from the facility shall be measured in dBA by a sound level meter at any point within the receiving property. The Council shall undertake enforcement of the limits established in this rule only upon receipt of a complaint made by a person who resides, owns property, or is employed on the property affected by the noise complained of, except for parks, recreational areas, and wildlife sanctuaries.