Content

Title：	Noise Control Act Enforcement Rules Ch
Date：	2010.03.11
Legislative：	Determined and promulgated in Department of Health, Executive Yuan Order Wei-Shu-Huan-Tzu No. 508292 on December 20, 1984. Certain articles revised and promulgated in Order Huan-Shu-Kung-Tzu No. 0920069032 on October 15, 2003. Full text in 17 articles revised and promulgated in Environmental Protection Administration, Executive Yuan Order Huan-Shu-Kung-Tzu No. 0990020099 on March 11, 2010.
Content：	**Article 1** These Rules are determined pursuant to Article 36 of the Noise Control Act (herein referred to as this Act). **Article 2** For the control standards in Article 3 of this Act, the highest allowable sound level shall be the standard and decibels (dB) shall be the unit of measurement for sound levels. Motorized vehicles as referred to in this Act means vehicles that travel on roadways under their own power and that are not dependent on rail or electric power systems. **Article 3** Special municipality, county and city competent authorities shall select densely populated areas, primary traffic routes, and other appropriate locations in Class 4 control zones within their jurisdictions in accordance with the Noise Control Zone Delineation Operating Standards, for the designation of environmental and traffic noise monitoring points and shall perform monitoring pursuant to the following regulations: I. Designation principles: A. Two or more environmental and traffic noise monitoring points shall be designated within both the Class 1 and Class 4 control zones of special municipalities; one or more environmental and traffic noise monitoring points shall be designated within both the Class 1 and Class 4 control zones of counties and cities. B. Four or more environmental and traffic noise monitoring points shall be designated within both the Class 2 and Class 3 control zones of special municipalities; two or more environmental and traffic noise monitoring points shall be designated within both the Class 2 and Class 3 control zones of counties and cities. II. Designation of locations A. Environmental noise monitoring points: For roadways with a width of eight meters or more, points shall be located thirty meters or more from the roadside; for roadways with a width of

six meters or more, but eight meters or less, points shall be located fifteen meters or more from the roadside. The monitoring height shall be between 1.2 meters and 1.5 meters from ground level.

B. Transportation noise monitoring points: For those roadways next to buildings, points shall be located one meter or more from the wall of the building. The monitoring height shall be between 1.2 meters and 1.5 meters from ground level.

C. Monitoring method: Each monitoring point shall perform twenty-four hour continuous monitoring two or more times every quarter.

The numbers and locations of monitoring points designated pursuant to the foregoing paragraph shall be submitted to the central competent authority for future reference, and modifications to the numbers and locations of monitoring points designated pursuant to the foregoing paragraph shall also be submitted to the central competent authority for future reference; monitoring data shall be reported to the central competent authority at regular intervals.

Article 4

Special municipality, county and city competent authorities shall submit official announcements issued pursuant to Article 8 of this Act to the competent authority for approval.

Article 5

The penalties for those who violate the standards prescribed in Article 11, Paragraph 1 of this Act, or violate the regulations of Article 19, Paragraph 3 of this Act, or who evade, obstruct, or refuse inspection or appraisal shall be determined by the special municipality, county, or city competent authority of the location in which the violations occurred.

Article 6

The expressways in Article 14 of this Act shall refer to expressways specified in the Freeway and Expressway Traffic Control Regulations, and expressways specified in the Design Directions for Urban Roads and Accessory Works.

Other noise produced by traffic in Article 15 of this Act shall refer to the following types of traffic noise:

I. Other provincial or county roads designated in the Highway Act apart from the expressways in the foregoing paragraph.

II. Main and secondary roads designated in the Design Directions for Urban Roads and Accessory Works.

III. Other traffic systems or roads designated by the central competent authority.

Article 7

The land transportation system noise improvement projects in Article 14, Paragraph 1 of this Act and other traffic noise improvement projects in Article 15, Paragraph 1 of this Act shall include the following items:

I. The operating or management agency (organization) responsible for implementing improvements.

II. An explanation of the traffic situation in road sections in which noise levels exceed land transportation system noise control standards or environmental sound level standards (including traffic flow, vehicle composition, and operating speed), and plan, longitudinal, and cross-sectional drawings (including the complainant's location or measurement point).

III. Noise measurement results prior to improvement along the road section in question exceeding land transportation system noise control standards or environmental sound level standards, analysis of causative factors, and degree of influence.

IV. Explanation of the content of the adopted noise control measures. Design illustrations showing the locations, sizes, and functions of relevant noise control facilities shall be included therein.

V. Assessment of the improvement function of the adopted noise control measures.

VI. Project implementation timetable.

VII. Views of residents along the road section in which the project will be implemented.

VIII. Feasibility assessment of improvements.

IX. Other documents designated by the competent authority

Special municipality, county and city competent authorities shall complete review and approval of the noise improvement projects in the foregoing paragraph within sixty days after receipt. If project content is deficient or does not comply with regulations, the operating or management agency (organization) shall be notified within thirty days after receipt to make corrections within a limited time period, and the total number of days for correction may not exceed sixty days; the correction period shall not be included in the review period.

If the operating or management agency (organization) fails to complete correction within the time period specified in the foregoing paragraph, the noise improvement project shall be considered not to have been submitted in accordance with Article 29 of this Act.

Article 8

If a special municipality, county, or city competent authority judges that a noise improvement project in the foregoing article cannot improve traffic noise within the relevant operating or management scope, the operating or management agency (organization) shall determine a land transportation system noise subsidy plan or other traffic noise subsidy plan in accordance with Article 14, Paragraph 1 or Article 15, Paragraph 1 of this Act within 180 days of the date of approval, and submit said plan to the special municipality, county, or city competent authority for approval.

Buildings within the subsidized area of a subsidy plan in the foregoing paragraph shall conform to one of the following circumstances, and may receive only one subsidy:

I. A lawful building existing prior to the determination and promulgation of land transportation system noise control standards on January 21, 2010 and the implementation of revised environmental sound level standards on January 21, 2010.

II. A lawful building existing prior to the approval of a new land transportation system or other transportation system project apart from the circumstances in the foregoing subparagraph.

A subsidy plan shall include the following items:

I. An explanation of the content of the subsidized noise control facilities, and design illustrations showing the locations, sizes, and functions of relevant noise control facilities.

II. An assessment of the improvement function of subsidized noise control facilities.

III. Project implementation timetable.

IV. Views of residents along the road section in which the project will be implemented.

V. Other documents designated by the competent authority

Subsidy plan approval procedures, deadlines, and implementation methods shall be as prescribed in Paragraph 2 of the foregoing article.

If the operating or management agency (organization) fails to complete correction within the time period specified in the foregoing paragraph, the noise subsidy plan shall be considered not to have been submitted in accordance with Article 29 of this Act.

Article 9

The aviation noise improvement projects for civil airports and civil/military airports under the jurisdiction of civil control towers in Article 15, Paragraph 1 of this Act shall include the following items:

I. The operating or management agency (organization) responsible for implementing improvements.

II. An explanation of the situation of the noise source and its structure and location (including the complainant's location or measurement point).

III. Noise measurement results prior to improvement (including spectrum analysis), analysis of causative factors, and degree of influence.

IV. Explanation of the content of the adopted noise control measures. Design illustrations showing the locations, sizes, and functions of relevant noise control facilities shall be included therein.

V. Assessment of the improvement function of the adopted noise control measures.

VI. Project implementation timetable.

VII. Feasibility assessment of improvements.

VIII. Other documents designated by the competent authority

The adopted noise control measures in Subparagraph 4 of the foregoing paragraph shall include the following items:

I. The reduction of noise sources and sound levels

II. The reduction of airport noise

III. Adjustment operating procedures and control trial operation time periods.

IV. Dedicated environmental protection personnel.

V. The drafting, in consultation with the relevant agencies, of usage strategies for the land surrounding airfields

VI. Other control measures that are required to be adopted

Procedures for approval of aviation noise improvement projects by special municipality, county, and city competent authorities, deadlines, and implementation methods shall be as prescribed in Article 7, Paragraph 2.

If the operating or management agency (organization) fails to complete correction within the time period specified in the foregoing paragraph, the noise improvement project shall be considered not to have been submitted in accordance with Article 29 of this Act.

Article 10

If a special municipality, county, or city competent authority judges that a noise improvement project in the foregoing article cannot improve aviation noise within the relevant operating or management scope, the operating or management agency (organization) shall determine a aviation noise subsidy plan for a civil airport or civil/military airport under the jurisdiction of a civil control tower in accordance with Article 15, Paragraph 1 of this Act within 180 days of the date of approval, and submit said plan to the special municipality, county, or city competent authority for approval.

A subsidy plan shall include the following items:

I. The provision of assistance for the installation of noise abatement facilities at schools, public facilities and residences

II. An explanation of the content of the subsidized noise control facilities, and design illustrations showing the locations, sizes, and functions of relevant noise control facilities.

III. An assessment of the improvement function of subsidized noise control facilities.

IV. Project implementation timetable.

V. Other documents designated by the competent authority

Subsidy plan approval procedures, deadlines, and implementation methods shall be as prescribed in Article 7, Paragraph 2.

If the operating or management agency (organization) fails to complete correction within the time period specified in the foregoing paragraph, the noise subsidy plan shall be considered not to have been submitted in accordance with Article 29 of this Act.

Article 11

Aviation noise improvement projects for civil/military airports under the jurisdiction of military control towers in Article 15, Paragraph 2 of this Act and aviation noise improvement projects for airports

used exclusively for the take off and landing of military aircraft in Article 17 of this Act, insofar as such projects do not compromise defense, flight safety, or restrictions or prohibitions on the disclosure of national secrets or other matters required to be kept classified pursuant to laws or legal orders, shall include the following items:

I. The operating or management agency (organization) responsible for implementing improvements.

II. An explanation of the situation of the noise source and its structure and location (including the complainant's location or measurement point).

III. Noise measurement results prior to improvement (including spectrum analysis), analysis of causative factors, and degree of influence.

IV. Explanation of the content of the adopted noise control measures.

V. Assessment of the improvement function of the adopted noise control measures.

VI. Project implementation timetable.

VII. Other documents designated by the competent authority and not disclosing classified matters.

The adopted noise control measures in Subparagraph 4 of the foregoing paragraph shall include the following items:

I. The reduction of noise sources and sound levels

II. The reduction of airport noise

III. Matters for the provision of subsidies for the installation of noise abatement facilities at schools, libraries, medical institutions, public facilities and residences

IV. Adjustment operating procedures, determination of environmentally-friendly flight paths.

V. The control of trial operation time periods or training flight time periods

VI. Establishment of an environmental protection complaint hotline; should have dedicated environmental protection personnel.

VII. Other control measures that are required to be adopted

Article 12

The testing conditions for indoor aircraft noise day-night average sound level designated in Article 18, Paragraph 2 of this Act shall be as follows.

I. Calculation method: In accordance with United States Federal Aviation Regulation Part 150, with noise meter set at "A weighting" during monitoring.

II. Testing time period: The day-night average sound levels for aircraft noise twenty-four hours a day shall be continously collected.

III. Testing instrument: Noise meters must comply with International

Electrotechnical Commission Class 1 standards, and must have a band range from 20Hz to 20kHz.

IV. Dynamic response: Slow.

V. Testing location: An appropriate, representative location with doors and windows sealed that is one meter away from the inside face of an outer wall of the building shall be selected.

VI. 6. Testing height: 1.2 m to 1.5 m above the ground or floor.

Article 13

Starting from July 1, 2011, personnel dispatched by competent authorities at all levels pursuant to Article 19, Paragraph 1 of this Act to enter public or private premises in order to inspect or appraise the noise situation must have completed training administered by the central competent authority or an organization commissioned by the central competent authority and possess qualification certificates.

Article 14

In Article 24, Paragraph 1 of this Act, "may be subject to consecutive daily fines" refers to cases in which a violation of the requirements of Article 9, Paragraph 1 of this Act has occurred, the competent authority has measured the sound volume as exceeding noise control standards by five decibels or more, the sound volume still exceeds noise control standards by three decibels or more after the responsible party has been ordered to make improvements within a limited time period, and when any one of the following situations applies:

I. The stationary noise source consists of a factory (facility), or entertainment or business premise, which has not adopted tangible sound absorbing (barrier) measures or vibration prevention or isolation measures, or has not adjusted the location of the noise source when the source has a variable location.

II. A facility announced in Article 9, Paragraph 1, Subparagraph 6 of this Act, which has not adopted tangible sound absorbing (barrier) measures or vibration prevention or isolation measures, or has not adjusted the location of the noise source when the source has a variable location.

Article 15

Those ordered by a special municipality, county, or city competent authority to suspend work, suspend business or suspend use, or voluntarily reporting the suspension of work, suspension of business or suspension of use following an order by a special municipality, county, or city competent authority to make improvements, shall, prior to the resumption of use or the resumption of work, submit an improvement completion report and relevant documents and information to the responsible special municipality, county, or city competent authority in order to apply for the resumption of work.

For the application in the foregoing paragraph, the special municipality, county and city competent authorities may only approve the resumption of use or the resumption of work after checking demonstrates compliance.

Article 16

The improvement completion reports designated in the three foregoing articles shall record the following items.

I. An explanation of the situation of the noise source and its structure and location (including the complainant's location or measurement point).

II. Noise measurement results prior to improvement, analysis of causative factors, and degree of influence.

III. Explanation of the content of the adopted noise control measures. Design illustrations showing the locations, sizes, and functions of relevant noise control facilities shall be included therein.

IV. Improvement effectiveness of the adopted noise control measures.

V. Photographs and information for noise control facilities after the completion of installation

VI. Other documents designated by the competent authority

Article 17

These Rules shall take effect from the date of promulgation.

Attachments： 噪音管制法施行細則.pdf

Data Source：Ministry of Environment Laws and Regulations Retrieving System