Department of Environmental Protection
Temporary Noise Waiver Application

Authority

Chapter 31B, Section 31B.11(a), of the Montgomery County Code allows the Director of the Department of Environmental Protection (DEP) to waive any part of Chapter 31B for a temporary event if the noise the event will create or cause in excess of the limits established under Chapter 31B is offset by the benefits of the event to the public.

Application Process

Review the Code: The applicant should review and understand the requirements of Chapter 31B, Noise Control, of the Montgomery County Code. Chapter 31B can be found at http://www.montgomerycountymd.gov/dectmpl.asp?url=/Content/dep/community/ordinance.asp. Questions regarding any provision of the code should be directed to DEP via e-mail at depnoisewaiver@montgomerycountymd.gov.

Timing of Application: In accordance with Section 31B.11(a)(2), DEP is required to provide public notice of any Temporary Noise Waiver request in a manner that could reasonably reach a majority of households that might be affected by the issuance of the waiver. To fulfill this requirement, DEP may publish notices regarding Temporary Noise Waiver requests in a local newspaper. A Temporary Noise Waiver can not be issued until at least 10 days after publication of the notice in the paper. As a result, a Temporary Noise Waiver application that is deemed complete by DEP must be received at least 21 days prior to the date the waiver is needed in order to allow for the public notification process.

Submission of Application: Completed applications can be submitted electronically (preferred) or in hard copy. DEP is not responsible for delays in receipt of hard copy applications submitted via the postal service or other delivery method. Applications can be submitted electronically by clicking on the "Submit by e-mail" button at the end of this application. Hard copies should be sent to:

Attn: Temporary Noise Waiver
Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, MD 20850

A non-refundable processing fee must be submitted with the application. See Page 3 for details.

Completing the Application: The applicant must complete all fields in the application. Incomplete applications will be returned, which may delay processing of the application. Particular attention should be give to providing complete and thorough responses to the items related to the justification for requesting a Temporary Noise Waiver. Additional information (site plans, equipment specifications, mitigation plans, etc.) may be attached to the e-mail that transmits the application.

Department of Environmental Protection
Temporary Noise Waiver Application

Applicant Information

Applicant Name: Clark Construction Group, LLC

Address: 7500 Old Georgetown Road City: Bethesda Zip Code: 20814

Primary Contact Name: Jason Robertson

Phone Number: 301-272-6753 E-mail Address: jason.robertson@clarkconstruction.com

Noise Source Information

Location of noise source or activity for which the waiver is requested:

Intersection of Maryland 355, Wood Road, and South Drive (approximately 8800 Wisconsin Avenue).

Description of noise source or activity that will create the noise:

Tunnel and roadway construction beneath/adjacent to MD 355, including utility relocation, support of excavation, tunneling, and road construction.

Date(s) and time(s) for which the waiver is requested:
(for example: 9:00 pm, May 1, 2010 to 7:00 am, May 2, 2010)

December 07, 2017 January 06, 2018

Daytime and Nighttime hours

Justification for Requesting a Temporary Waiver

Why is a Temporary Noise Waiver being requested?

A temporary noise waiver is being requested because certain construction activities are restricted to nighttime hours (outside of WMATA revenue service hours, and while MD 355 is totally or partially closed). Other activities that will be completed during the day will also generate significant noise.

How will the public benefit if a Temporary Noise Waiver is issued?

The traveling public will benefit from work taking place at night, when there is minimal impact to traffic operations on Wisconsin Avenue and WMATA revenue service. A temporary noise waiver will also reduce the overall duration of the project and the resulting impact to the public.

If a Temporary Noise Waiver is issued, DEP may set conditions on the applicant. Describe the steps that have been taken or will be taken to reduce the level or duration of the noise for which the waiver is requested:

The following steps will be taken to reduce overall noise levels and durations for the project:

- schedule activities that generate higher levels of noise during daytime hours
- schedule activities that generate higher levels of noise concurrently with one another
- utilize visible warnings in lieu of audible warnings for night time blasting operations (subject to approval by jurisdictional authorities)
- utilize alternate backup alarms
- utilize blasting mats and shaft covers to attenuate air overpressure
- install drilled piles in lieu of driven piles (reduces impulsive noise)
- select new model construction equipment with reduced noise emmissions
- place stationary equipment as far as possible from receiving properties

Submit by E-mail Print Form

Application Fees

A non-refundable processing fee based on the fee schedule below must accompany this application. (If the application is submitted electronically, a check must be received by mail or other delivery service prior to publication of the required public notice.) Checks should be made payable to Montgomery County, Maryland.

Activity	First Noise Source/Site	Each Additional Source/Site
Residential, single-family	$50	n/a
Residential, all others	$230	+ $25 per source/site
Construction (all types private)	$350	+ $25 per source/site
Commercial	$350	+ $25 per source/site
Industrial	$350	+ $25 per source/site
Transportation	$350	+ $25 per source/site
Government	$350	+ $25 per source/site

Questions? Contact DEP at depnoisewaiver@montgomerycountymd.gov or 240-777-7746.