

SUBMIT SUCH RECOMMENDATIONS TO THE NOISE COUNCIL FOR ADVICE. THE NOISE COUNCIL SHALL FURNISH ITS ADVICE TO THE DEPARTMENT WITHIN SIXTY CALENDAR DAYS, INDICATING CONCURRENCE, NONCONCURRENCE, OR SUGGESTED MODIFICATIONS.

697. Powers and Duties of Board.

The Board is hereby authorized to:

(a) Adopt, amend, and repeal rules and regulations for the control of air pollution in the State or in various areas. APPROVE, AMEND, OR REJECT RULES AND REGULATIONS FOR THE CONTROL OF NOISE POLLUTION IN THE STATE OR IN VARIOUS AREAS, SUBJECT TO SUBMISSION TO THE GENERAL ASSEMBLY.

(b) No standard, rule, or regulation and no amendment thereto shall be adopted OR APPROVED by the Board except after public hearing by the Board after thirty (30) days' prior notice thereof by public advertisement of the date, time, place, and purpose of such hearing, in a newspaper or newspapers of general circulation within the area or areas concerned, at which opportunity to be heard by the Board with respect thereto shall be given to the public; and provided, further, that no such standard, rule, or regulation and no amendment thereto shall become effective until sixty (60) days after the adoption thereof in the aforementioned manner.

(c) In the formulation of any rule or regulation for any area or areas within the State, there shall be considered among other things the residential, commercial, or industrial nature of the area affected, zoning, the nature and source of various kinds of air pollution, the problems of various commercial and industrial establishments that may be affected by such rule or regulation, the environmental conditions, population density and topography of any area concerned or which may be concerned with such rule or regulation.

(d) Issue orders as hereinafter provided.

699. Rights of persons other than the state.

Persons other than the State shall not acquire actionable rights by virtue of this subtitle. The basis for proceedings or other actions that shall result from violations of any rule or regulation which shall be promulgated by the Board shall inure solely to and shall be for the benefit of the people of the State generally and is not intended to create in any way new or enlarged rights or to enlarge existing rights. A determination by the Board that air OR NOISE pollution [exists] exist or that any rule or regulation has been disregarded or violated, whether or not a proceeding or action may be brought by the State, shall not create by reason thereof any presumption of law or finding of fact which shall inure to or be for the benefit of any person other than the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.