

Notice of Agency Rule-making Proposal

APA Publication date: Wednesday, August 10, 2011

AGENCY: Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Chapter 375, No Adverse Environmental Effect Standard of the Site Location Law, Section 10, Control of Noise, Sound Level Limits and Measurements for Wind Turbine Projects. Request for additional comment.

PROPOSED RULE NUMBER: N/A

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REQUEST FOR ADDITIONAL PUBLIC COMMENT: The Board held a public hearing on July 7, 2011 on the citizen petition to amend the Department's Noise Rules to address noise from wind power developments. The comment period closed on July 18, 2011. In response to evidence received at the hearing and written comments received, the Board is proposing to adopt certain changes to the proposed rule that will result in a rule that differs substantially from the Petitioners' proposed rule. The Maine Administrative Procedure Act (MAPA), 5 MRS §8052(5) requires that "[if] an agency determines that a rule that the agency intends to adopt is substantially different from the proposed rule, the agency shall request comments from the public concerning the changes from the proposed rule."

COMMENT DEADLINE: The deadline for comment on changes to the petitioners' proposed rule is 5:00 pm on **Monday, August 29, 2011**. Comments may be submitted by mail, e-mail or fax. To ensure that the comments are considered, they must include your name and the organization you represent, if any.

BRIEF SUMMARY:

The proposed rule would amend Chapter 375, Section 10 Control of Noise by including a new subsection entitled "Sound Level Limits and Measurements for Wind Turbine Projects." The proposed rule includes provisions for the following: (1) predictive modeling requirements; (2) maximum sound limits for operations; (3) short-term duration repetitive sounds (SDRS) and tonal sounds; (4) noise easements; (5) post-construction compliance requirements; and (6) noise complaint response.

IMPACT ON MUNICIPALITIES OR COUNTIES: None anticipated.

STATUTORY AUTHORITY FOR THIS RULE: 5 M.R.S.A. §8055(3) and 38 M.R.S.A. §341-D(1-B)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED: N/A
