



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITING CERTIFICATION FOR SMALL-SCALE WIND ENERGY DEVELOPMENTS

Title 35-A, Maine Revised Statutes, Annotated, Section 3456 provides a person may not construct or operate a wind energy development, other than grid-scale wind energy development, that is located in the State's organized area without first obtaining a certification from the Department that the generating facilities:

"Wind energy development" means a development that uses a windmill or wind turbine to convert wind energy to electrical energy for sale or use by a person other than a generator. A wind energy development includes generating facilities and associated facilities.

- A. Will meet the requirements of the noise control rules adopted by the Board of Environmental Protection pursuant to Title 38, chapter 3, subchapter 1, article 6;
- B. Will be designed and sited to avoid unreasonable adverse shadow flicker effects; and
- C. Will be constructed with setbacks adequate to protect public safety. In making a finding pursuant to this paragraph, the department shall consider the recommendation of a professional, licensed civil engineer as well as any applicable setback recommended by a manufacturer of the generating facilities.

A person proposing a wind energy development subject to certification under this section shall apply to the department for certification using an application provided by the department and may not begin construction until the certification is received.

Exemption. Certification is not required for a wind energy development with a generating capacity of less than 100 kilowatts.

Attached are materials for preparing and filing an application:

1. Application Form
2. A form for publishing public notice.

Please complete the following steps:

- Publish a public notice in a newspaper of general circulation in the area of your facility, using the format supplied in this packet. A copy of the public notice, or a certified statement that public notice has been made, should be attached to your application.
- File a copy of your completed application with the city or town clerk of the municipality in which your facility is located.
- Send completed application form with all supporting documents and fees to:

**Department of Environmental Protection
State House Station #17
Augusta, Maine 04333
Attn: Bureau of Land & Water Quality**

DEP Procedures:

- After the Department has received your application, you will be notified within 15 working days of the acceptability of the application, the name of the project manager and the expected date of decision.
- You will be notified in writing of any decision and provided with a copy of your rights appeal.

Department of Environmental Protection
Bureau of Land & Water Quality
17 State House Station
Augusta, Maine 04333-0017
Telephone: 207-287-3901

FOR DEP USE 12/08
ATS # _____
L- _____
Total Fees: _____
Date: Received _____

**APPLICATION FOR SITING CERTIFICATION
FOR SMALL-SCALE WIND ENERGY DEVELOPMENTS**

Facility name to appear on Certification: _____

Facility Location: _____

Town: _____ County _____

Contact Person: _____ Phone Number: _____

Mailing Address: _____

Nature of Business: _____

If there is an agent representing this applicant, does the agent have an ownership interest in this project?
If yes, what is his interest? _____

Attachment 1. Noise

A. Provide a full noise study prepared by a qualified professional, which demonstrates that the proposed wind generation facility will meet the requirements of the noise control rules Title 38, chapter 3, subchapter 1, article 6. The noise study must include the following:

(1) Baseline

(a) Uses, zoning and plans. Maps and description of the land uses, local zoning and comprehensive plans for the area potentially affected by sounds from the development.

(b) Protected locations. Descriptions of the protected locations near the development.

(c) Quiet area. Evidence concerning whether or not the area surrounding the development is a quiet area.

(2) Noise generated by the development

- (a) Type, source and location of noise. A description of all types of noise to be generated, sources of noise and locations of noise sources.
- (b) Sound levels. A description of the daytime and nighttime sound levels expected at property lines and protected locations for all types of sound generated.
- (c) Control measures. A description of proposed sound control measures, locations and expected performance.
- (d) Comparison with regulatory limits. A comparison of expected sound levels with sound level limits in regulations.
- (e) Comparison with local limits. A comparison of expected sound levels with any quantifiable noise standards of any affected municipality.

A waiver from the requirement to complete a noise study may be granted, at the department's discretion, for proposed projects that are located in remote regions with no protected locations within close proximity to the proposed project.

Attachment 2. Shadow flicker

Provide a detailed model of the wind energy development that demonstrates that the project has been designed to avoid unreasonable adverse shadow flicker effect. The shadow flicker model must utilize the WindPro software or other modeling software as approved by the department.

Attachment 3. Public Safety

Provide documentation in the form of a site plan facility that documents that demonstrates that the proposed wind energy development has been designed to conform to applicable industry standards and that the proposed wind energy development will not present an unreasonable safety hazard to adjacent properties or adjacent property uses. Documentation provided by the applicant must include, but is not limited to evidence that the wind turbines have been sited with appropriate safety related setbacks from adjacent properties and adjacent existing uses; such evidence shall include a site plan and applicable documentation as necessary to show that the proposed wind generation facility turbines have been sited in such a manner as to provide a minimum set back from the nearest property line. The recommended minimum setback is a distance of not less than the normal setback requirements for that zoning classification as dictated by the local municipal zoning ordinance or 1.5 times the maximum turbine blade height, whichever is greater. The setback distance must be measured to the center of the wind turbine base.

The recommended minimal setbacks do not apply if the applicant has obtained a waiver of such setbacks from the affected landowner. Alternatively, the applicant may submit evidence (i.e. operating protocols, safety programs, recommendation of a licensed professional engineer with appropriate expertise and experience with wind turbines, or relevant manufacturer recommendations) that a reduced setback is appropriate.

Each application submitted to the Department must include the following certification signed by the applicant or duly authorized officer or agent: If the applicant is signed by an agent, the application must include evidence of the agency signed by the applicant or duly authorized officer.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein.

Date

Signature

Printed Name

Title

NOTICE OF INTENT TO FILE

Please take notice that

(Name, Address and Phone # of Applicant)

is intending to file an application with the Maine Department of Environmental Protection pursuant to the provisions of 35-A, MRSA, § 3456 for certification that the wind energy development has been designed to meet the noise, shadow flicker, and public safety setback requirements.

(describe facility)

in the Town of: _____

The application will be filed on or about _____ and will be
(anticipated filing date)

available for public inspection at the DEP's offices in Augusta during normal working hours.

A copy of the application may also be seen at the municipal offices in
_____, Maine.

(town/city)

A request for a public hearing over this application must be received by the Department in writing, no later than 20 days after the application is accepted as complete for processing by the Department. A request for public hearing must indicate the interest of the person filing the request and specify the reasons why a public hearing is warranted. A public hearing may or may not be held at the discretion of the Commissioner. Public comment on the application will be accepted throughout the processing of the application.

Written public comments may be sent to the Department of Environmental Protection, Bureau of Land & Water Quality, 17 State House Station, Augusta, Maine 04333-0017.

CERTIFICATION OF PUBLICATION

By signing below, the applicant (or authorized agent) certifies that he or she has:

1. Published a Notice of Intent to File once in a newspaper circulated in the area where the project site is located within thirty days prior to the filing of the application;
2. Sent a completed copy of the Notice of Intent to File by certified mail and filed a duplicate of this application with the town clerk or city clerk of the municipality(ies) where the project is located.

Signature of Applicant

Date

Print name and title of applicant

If signature is other than that of the applicant, attach letter of agent authorization signed by applicant.