

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

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CHAIR
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MEMORANDUM

Date: February 3, 2011

To: Board of Environmental Protection
From: Cynthia Bertocci, Board Executive analyst
Re: Petition for Rulemaking / Proposed Noise Rule Amendment

Background:

By letter dated December 17, 2010, attorney Rufus E. Brown submitted a Petition to Require Agency Rulemaking in accordance with provisions of the Maine Administrative Procedures Act (APA), 5 M.R.S.A. §8055(3). The petition was signed by more than 150 registered voters. The petition proposes to amend Chapter 375, Section 10. Section 10 is the section of the No Adverse Environmental Effect Standard of the Site Location Law addressing noise. The petitioners' proposal would add to Section 10 a new subsection I, entitled Sound Level Limits and Measurements for Wind Turbine Projects.

Applicable Standards:

The Maine Administrative Procedures Act (APA), 5 M.R.S.A. §8055(3) states: "Whenever a petition to adopt or modify a rule is submitted by 150 or more registered voters of the State, the agency shall initiate appropriate rulemaking proceedings within 60 days after receipt of the petition."

Requested Action:

At your meeting on February 3, 2011, the Board will be asked to post the petitioners' proposed rule to public hearing. Posting is not discretionary, and the Board cannot make any changes to the language of the proposed rule. Notice of the public hearing will be published in accordance with the requirements of the APA. At the public hearing, Mr. Brown will have an opportunity to introduce the proposed rule and persons may testify in support of, in opposition to, or neither for nor against the proposed rule.

Your packet includes a copy of the petition with the proposed rule amendment, and a copy of existing Chapter 375, section 10 Control of Noise.

Estimated time of presentation: 5 minutes.