



MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICATION FOR SITING CERTIFICATION AND NATURAL RESOURCE PROTECTION ACT PERMIT FOR SMALL-SCALE WIND ENERGY DEVELOPMENTS

At 35-A M.R.S. § 3456, the Maine Wind Energy Act provides that a person may not construct or operate a wind energy development, other than a 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:

- A. Will meet the requirements of the noise control rules adopted by the Department pursuant to 38 M.R.S. § 481 et. seq.;
- 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 licensed professional 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.

At 38 M.R.S. § 480-II (2), the Natural Resources Protection Act requires that an applicant for a permit to construct a small-scale wind energy development must demonstrate that the proposed project:

- A. Will be constructed with setbacks and other considerations adequate to protect public safety, including, but not limited to, a fire protection plan. In making a finding pursuant to this paragraph, the Department shall consider the recommendation of a licensed professional civil engineer, as well as any applicable setback recommended by a manufacturer of any equipment to be installed on or in support of the small-scale wind energy development;
- B. Will be constructed using the best practical mitigation techniques for mitigating impacts to endangered and threatened species, essential wildlife habitat, and other protected resources from all aspects of construction and operation, in accordance with rules adopted pursuant to 35-A M.R.S. § 3459; and
- C. Will not significantly compromise views from a scenic resource of state or national significance, as considered under the criteria and methodologies set forth in 35-A M.R.S. § 3452.

A person proposing to construct a small-scale wind energy development must demonstrate adequate financial capacity to decommission the development at any time during construction or operation of the development, or upon termination of development operations for any reason. The obligation to decommission the development must be transferred to any future owner of the development in the event of a transfer of title. Decommissioning is required if the development's purpose or use is abandoned for a period of one year at any time after construction begins. Demonstration of financial capacity to decommission must include documentation of financial assurance that the decommissioning costs will be fully funded prior to the start of construction. Financial assurance may be demonstrated in the form of a performance bond, surety bond, letter of credit or other form of financial assurance acceptable to the Department.

An applicant for a certification to construct a small-scale wind energy development must hold at least one public informational meeting in accordance with the Department's rules, Chapter 2, Section 13.

“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.

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

Included in this packet are materials for preparing and filing an application:

1. Application Forms.
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 the proposed 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 the proposed facility is located.
- Send completed application forms with all supporting documents and fees to:

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

DEP Procedures:

- Before drafting actual plans, we strongly recommend that you meet with Department staff to discuss your activity, any questions you may have, and applicable permitting requirements. The Corps and other state and federal agencies may also attend this meeting. To request a meeting, you should submit a location map, a sketch plan of the site, a brief activity description, and photographs of the activity site to the appropriate regional office. The following is a list of the regional offices:

* for Central Maine 17 State House Station, Augusta, ME 04333	DEP, Bureau of Land Resources (207) 287-7688
* for Eastern Maine 106 Hogan Road, Bangor, ME 04401	DEP, Bureau of Land Resources (207) 941-4570
* for Southern Maine 312 Canco Road, Portland, ME 04103	DEP, Bureau of Land Resources (207) 822-6300
* for Northern Maine 1235 Central Drive, Presque Isle, ME 04769	DEP, Bureau of Land Resources (207) 764-0477

- 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 the Department’s decision and provided with a copy of your appeal rights.

Department of Environmental Protection
Bureau of Land Resources
17 State House Station
Augusta, Maine 04333-0017
Telephone: (207) 287-7688

FOR DEP USE 12/16
ATS # _____
L- _____
Total Fees: _____
Date Received: _____

**APPLICATION FOR MAINE WIND ENERGY ACT CERTIFICATION
FOR SMALL-SCALE WIND ENERGY DEVELOPMENTS**

Facility name to appear on Certification: _____

Facility Location: _____

Town: _____ County _____

Contact Person: _____ Phone Number: _____

Mailing Address: _____

E-Mail Address: _____

Nature of Business: _____

If an agent is representing the applicant, does the agent have an ownership interest in this project? Y N

If yes, what is the interest? _____

Attachment 1. Noise

A. Provide a full noise study prepared by a qualified professional, which demonstrates that the proposed wind generation facility will comply with the sound level limits for wind energy developments in the Department's rules, Chapter 375, Section 10(I). 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 effects. 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 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 setback from the nearest property line and/or public access way. 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 closest edge of the wind turbine tower base.

Developments may be sited closer than the required minimum safety setback to the nearest property line and/or public access way if the applicant is able to demonstrate, through a safety setback easement, that they have secured rights sufficient to prevent the development and use of occupied structures or public access ways within the prescribed safety zone.

Each application submitted to the Department must include the following certification signed by the applicant or duly authorized officer or agent. If the application is signed by an agent, the application must include written authorization 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 and structures on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the Department to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address provided with this application.”

Date

Signature

Printed Name

Title

Department of Environmental Protection
Bureau of Land Resources
17 State House Station
Augusta, Maine 04333-0017
Telephone: (207) 287-7688

FOR DEP USE 12/16
ATS # _____
L- _____
Total Fees: _____
Date Received: _____

**APPLICATION FOR NATURAL RESOURCES PROTECTION ACT PERMIT
FOR A SMALL-SCALE WIND ENERGY DEVELOPMENT**

APPLICANT NAME: _____

MAILING ADDRESS: _____

DAYTIME PHONE #: _____

EMAIL ADDRESS (REQUIRED): _____

AGENT NAME: _____

AGENT'S MAILING ADDRESS: _____

AGENT'S DAYTIME PHONE #: _____

AGENT'S EMAIL ADDRESS (REQUIRED): _____

PROJECT LOCATION (Street, Town, County): _____

TITLE, RIGHT OR INTEREST (own/lease/other): _____

DEED REF (book/page): _____ PARCEL REF (map/lot): _____

REQUIRED SUPPORT DOCUMENTATION:

- Copy of Title, lease, or other documentation of interest
- Topographic site plans, existing and proposed
- Copy of Public Notice/Public Information Meeting documentation
- Erosion Control/Construction Plan
- Public Safety Plan, including a Fire Protection Plan
- Plan to address best practical mitigation techniques for wildlife impacts
- Visual Impact Assessment
- Decommissioning Plan

IMPORTANT: IF THE SIGNATURE BELOW IS NOT THE APPLICANT'S SIGNATURE, ATTACH LETTER OF AGENT AUTHORIZATION SIGNED BY THE APPLICANT.

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

DEP SIGNATORY REQUIREMENT

“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 that 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 and structures on the property, to determine the accuracy of any information provided herein.

Further, I hereby authorize the Department to send me an electronically signed decision on the license I am applying for with this application by emailing the decision to the address submitted with this application.”

Date

Signature

Printed Name

Title

NOTE: Any changes in activity plans must be submitted to the Department in writing and must be approved prior to implementation. Failure to do so may result in enforcement action and/or the removal of the unapproved changes to the activity.

NOTICE OF INTENT TO FILE

Please take notice that

(Name, Address and Phone # of Applicant)

intends to file applications with the Maine Department of Environmental Protection pursuant to the provisions of Title 35-A M.R.S. § 3456 for certification that the wind energy development being proposed has been designed to meet the noise, shadow flicker, and public safety setback requirements of the Maine Wind Energy Act; and pursuant to the provisions of Title 38 M.R.S. § 480-II for a Natural Resources Protection Act permit.

(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 Department'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)

In order to be considered, a request for a public hearing on 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 a public hearing must indicate the interest of the person filing the request, and must specify the reasons why a public hearing is warranted. In response to such a request, 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 Resources, 17 State House Station, Augusta, Maine 04333-0017.

PUBLIC NOTICE FILING AND CERTIFICATION

Chapter 2 of the Department's Rules requires an applicant to provide public notice for new individual permit applications. In the notice, the applicant must describe the proposed activity and where it is located. "Abutter" for the purposes of the notice provision means any person who owns property that is BOTH (1) adjoining and (2) within one mile of the delineated project boundary, including owners of property directly across a public or private right of way.

1. **Newspaper:** The Notice of Intent to File must be published in a newspaper circulated in the area where the activity is located. The notice must appear in the newspaper within 30 days prior to the filing of the application with the Department. The attached Notice of Intent to File form may be used, or an alternate format containing identical information, for newspaper publication and certified mailing.
2. **Abutting Property Owners:** A copy of the Notice of Intent to File must be sent by certified mail to the owners of all properties abutting the activity. The names and addresses of abutters can be obtained from the town tax maps or local officials. Abutters must receive notice within 30 days prior to the filing of the application with the Department.
3. **Municipal Office:** A copy of the Notice of Intent to File and a **duplicate of the entire application** must be provided to the Municipal Office of any municipality in which any portion of the project is located.

ATTACH a list of the names and addresses of the owners of abutting property.

CERTIFICATION

By signing below, the applicant or authorized agent certifies that:

1. A Notice of Intent to File was published in a newspaper circulated in the area where the project site is located within 30 days prior to filing the application;
2. A certified mailing of the Notice of Intent to File was sent to all abutters within 30 days prior to the filing of the application;
3. A certified mailing of the Notice of Intent to File, and a duplicate copy of the application was sent to the town office of the municipality in which the project is located; and
4. Public notice was provided and a Public Informational Meeting was held, in accordance with the Department's Chapter 2, Rules Concerning the Processing of Applications, Section 13, prior to filing the application. Notice of the meeting was sent by certified mail to abutters and to the town office of the municipality in which the project is located at least ten days prior to the meeting. Notice of the meeting was also published in a newspaper circulated in the area where the project site is located at least seven days prior to the meeting.

The Public Informational Meeting was held on _____.
Date

Approximately _____ members of the public attended the Public Informational Meeting.

Signature of Applicant or authorized agent

Date