

MEDIA RELEASE

Vermont Public Service Board Releases Final Proposed Rule on Sound Levels from New Wind-Powered Electric Generation Facilities

Montpelier, VT – On May 16, 2017, the Vermont Public Service Board filed with the Secretary of State and the Legislative Committee on Administrative Rules (“LCAR”) a final proposed rule regulating sound levels emitted by wind-powered electric generation facilities. The rule will be known as Board Rule 5.700, and if approved by LCAR, will regulate sound levels from wind facilities that are submitted for Board review and approval beginning July 1, 2017.

The rule regulates wind turbines based on their size through application of a sound level, or decibel, limit. The Board established the limits in the rule after careful consideration of information and comments submitted by hundreds of interested persons and entities with competing interests. In establishing the sound level limits, the Board sought to minimize any negative impacts on residents living near wind generation facilities, while at the same time not setting levels so low that they would interfere with Vermont’s continuing efforts to reduce fossil fuel use, combat climate change, and transition to renewable energy.

The largest turbines, those with a capacity of more than 150 kW, must not exceed 42 decibels during the day and 39 decibels during the night, defined as 9:00 p.m. to 7:00 a.m., at nearby residences. These turbines must also be set back from the nearest residences a distance of at least 10 times the total height of the turbines, though developers may seek a waiver of this requirement if they can demonstrate to the Board that it is not necessary. Medium- and small-sized turbines must not exceed 42 decibels during the day or night at nearby residences. The requirements can be waived by agreements between developers and neighbors of wind generation facilities.

The Board developed Rule 5.700 in response to a mandate from the Vermont Legislature as part of Act 174, passed during the 2016 legislative session. That statute directed the Board to adopt a permanent rule on sound emissions from wind generation facilities by July 1, 2017.

Since the enactment of Act 174, the Board engaged in an extended proceeding to solicit public input in the development of the proposed rule. Between August, 2016, and February, 2017, the Board received two rounds of written comments, conducted a day-and-a-half of workshops with interested stakeholders, and distributed a discussion draft of a rule for public consideration. This was followed by a round of written comments on the discussion draft. The Board issued its initial proposed rule in March of this year, and then conducted three public hearings, including two located proximate to areas that have first-hand experience with wind development, conducted an all-day workshop on technical aspects of the rule, and received two further rounds of written comments. In addition, the Board has maintained a website on which it has posted copies of the proposed rule and many of the participants’ substantive comments in order to foster public engagement and dialogue on the substance of the rule. After reviewing all the information received, the Board issued and filed its final proposal on May 16, 2017.

The final proposed rule is currently pending review by LCAR.

The rule and associated documents can be found at the following link:

<http://psb.vermont.gov/about-us/statutes-and-rules/proposed-rule-sound-wind-generation-facilities>