BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes

July 28, 2011

A special meeting of the Board of Environmental Protection was held on Thursday, July 28, 2011, at the State Offices of the Department of Health and Human Services located on 41 Anthony Avenue, Augusta, Maine. Susan M. Lessard, Chair, called the meeting to order at 12:00 p.m. with the following individuals present:

Board: M. Wing Goodale, Richard Gould, Susan M. Lessard, Lissa Widoff, and Frank Woodard. Board member Matt Scott arrived at approximately 12:45 p.m.

Board members Elizabeth Ehrenfeld, Don Guimond, and P. Andrews Nixon were absent. There is one vacancy.

Staff: James Cassida, Bureau of Land and Water Quality
Mike Mullen, Acting Director, Bureau of Land and Water Quality

Others: Cynthia S. Bertocci, Executive Director
Peggy Bensinger, Assistant Attorney General (public hearing)
Warren Brown, En Rad (BEP consultant)
Terry Dawson, BEP Administrative Assistant

(Meeting adjourned at approximately 05:00 p.m.)

I. DEPARTMENTAL

A. **COMMISSIONER'S COMMENTS:** None
B. **COMMENTS FROM THE BEP CHAIR:** None
C. **EXECUTIVE ANALYST COMMENTS:** None
D. **BOARD CALENDAR:** None
E. **DEPARTMENTAL ORDERS AND APPLICATIONS ACCEPTED FOR PROCESSING:**
F. **EXECUTIVE SESSION:** None

II CONSENT AGENDA ITEMS:

None

III. REGULAR AGENDA ITEMS:

1. CHAPTER 375, SECTION 10. CONTROL OF NOISE – CITIZEN INITIATED RULEMAKING - SOUND LEVEL LIMITS AND MEASUREMENTS FOR WIND TURBINE PROJECTS (continued discussion/deliberation)

   Staff: James Cassida, Bureau of Land and Water Quality
   Mike Mullen, Bureau of Land and Water Quality
   Warren Brown (EnRad), BEP Consultant

The meeting was a continuation of the Board's July 21st meeting. The Board continued its deliberations on the petitioners' proposed amendments to the Department's Chapter 375, Section 10 Noise rules.

Staff provided the Board with a handout entitled "A Side-by Side Comparison of the Revised Proposed Rule Amendment (6/23/11) and the MDEP Chapter 375.10/Wind Turbine Compliance Testing Protocol" which compared the major issues raised by the petitioners with existing Department rules and practice. Discussion topics included, but were not limited to, the following:

- Modeling
- Sound Limitations
- Short Term Duration Repetitive Sounds (SDRS); Tonality Measurements
- Noise Easements
- Post-Construction Compliance

At the conclusion of the special meeting, the Board directed staff to draft a recommendation for its consideration at the next regular meeting on August 8th.