

Waivers and Property Line Noise Sources

By John Slagel
Exhibit 3A

County Wind Ordinance on Setbacks (With 'Waive' Underlined)

Sec. 56-618. - Design and installation.

(h) Setbacks.

(1) All WECS towers shall be set back three times the height of the tower or 1,200 feet, whichever is greater, from any primary structure. The distance for the above setback shall be measured from the point of the primary structure foundation closest to the WECS tower to the center of the WECS tower foundation. The owner of the primary structure may waive this setback requirement; but in no case shall a WECS tower be located closer to a primary structure than 1.10 times the WECS tower height. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(2) All WECS towers shall be set back a distance of at least 1.10 times the WECS tower height from public roads, third party transmission lines, and communication towers. The county may waive this setback requirement. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(3) All WECS towers shall be set back a distance of at least 1.10 times the WECS tower height from adjacent property lines, as measured from the closest edge of the tower structure. The affected adjacent property owner may waive this setback requirement. WECS tower height means the distance from the rotor blade at its highest point to the top surface of the WECS foundation.

(4) An incorporated village or municipality must approve of the location of any tower to be located within 1.5 miles of the corporate limits of such incorporated village or municipality.

(5) No part of a WECS tower or foundation shall encroach on a public or private sewage disposal (septic) system.

County Wind Ordinance on Noise (With 'Waive' Underlined)

Sec. 56-620. - Noise levels.

Noise levels from each WECS or WECS project shall be in compliance with applicable state pollution control board (IPCB) regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the noise requirements of this section. Thereafter, the WECS project shall be in compliance with applicable IPCB regulations throughout the entire operation period of the WECS project.

(Res. of 1-12-2006, § VIII)

Waiving

- There are three (3) things that can be waived by participants in the “setbacks” section.
- There are zero (0) things that can be waived by participants in the “noise levels” section.
- Is a participating home allowed to waive the noise levels? They are allowed to waive some setbacks, up to a certain limit. But where is the word waive in the noise limits section?
- Is there permission to waive noise limits?

IPCB Regulations

Section 901.102 Sound Emitted to Class A Land

b) Except as provided elsewhere in this Part, no person shall cause or allow the emission of sound during nighttime hours from any property-line-noise-source located on any Class A, B or C land to any receiving Class A land which exceeds any allowable octave band sound pressure level specified in the following table, when measured at any point within such receiving Class A land, provided, however, that no measurement of sound pressure levels shall be made less than 25 feet from such property-line-noise-source.

Not Just at House!

IPCB: *“when measured at any point within such receiving Class A land”*

This means you have to be below IPCB levels at any point within the Class A land, not just at the center of the house.

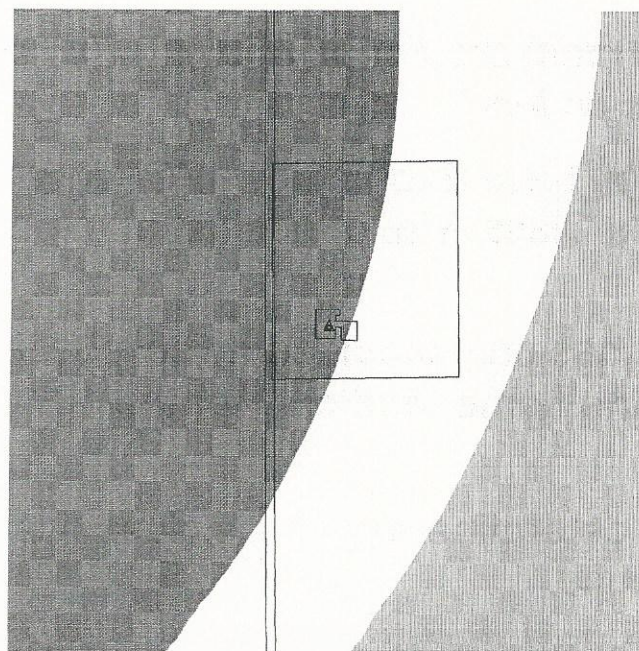
The applicant has only provided noise level estimates for the center of the home, and only for the 107 worst receptors.

They need to determine what all is class A land, and then show compliance.

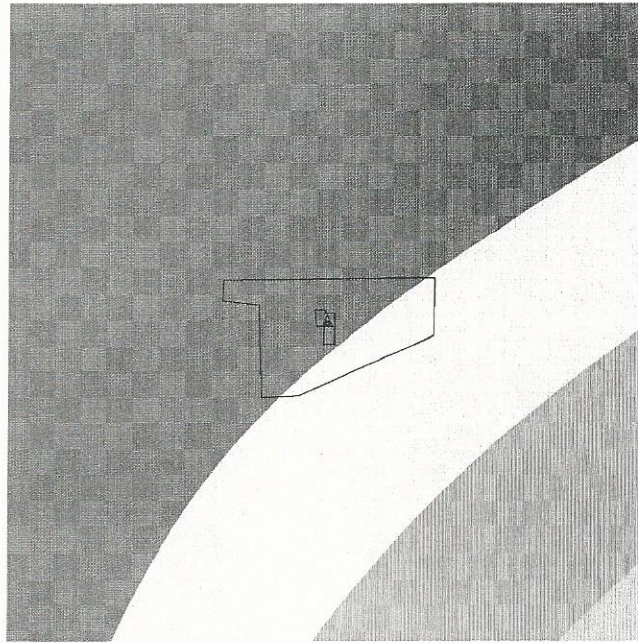
Contour Maps

- The following images are contour maps showing some single family homes and the area of mowed and maintained yard and trees around each home. (My rough estimate of Class A Land.) Each home also lists the Sound Receptor and Participation Status from the PR application).
- Disclaimer:I did not look up the legal description for each parcel or survey them. This is just my estimate of the Class A area around the homes.
- I used the latest GE 1.79-100 siting, with 24 LNTE blades and no turbine 090.
- Red = over the 41 db IPCB limit for 1000Hz Octave band. Yellow = 0 to 1 db below limit, Green = 1-2 db below limit.
- Scale:Each image is approximately a 1200 foot square.

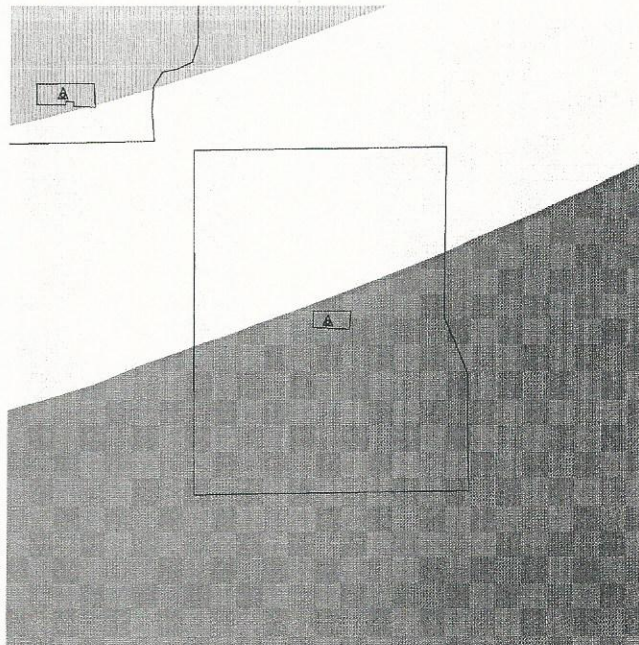
Point 219 (R-438 Non-Participant)



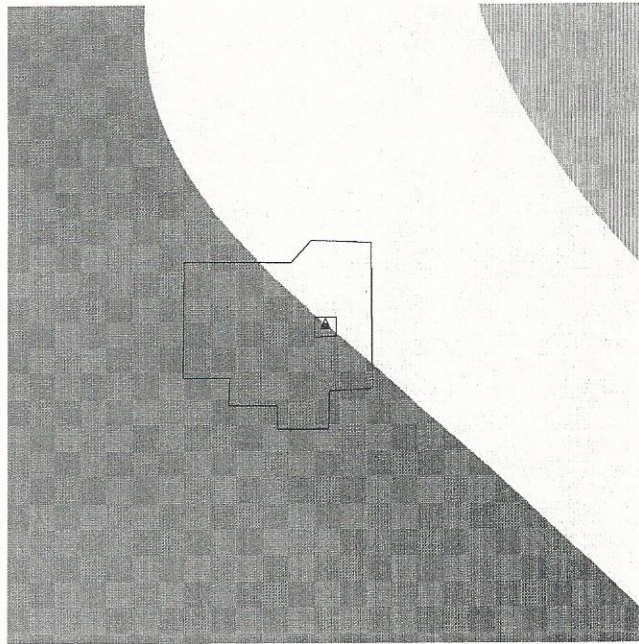
Point 119 (R-632 Participant)



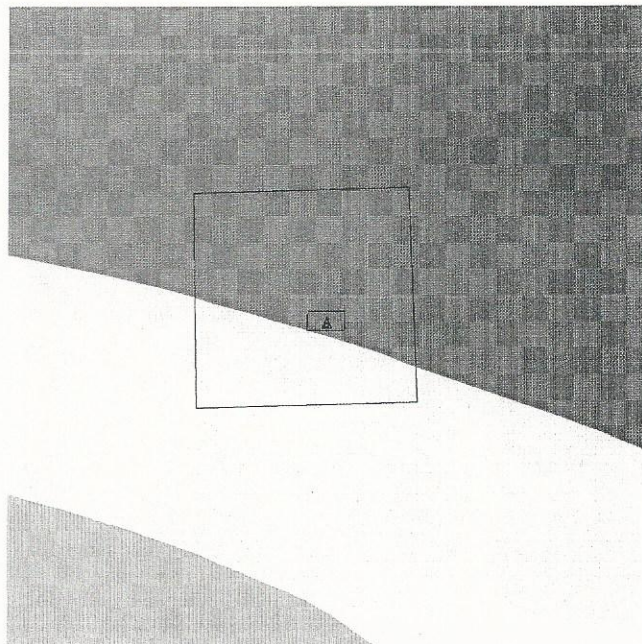
Point 113 (R-185 Participant)



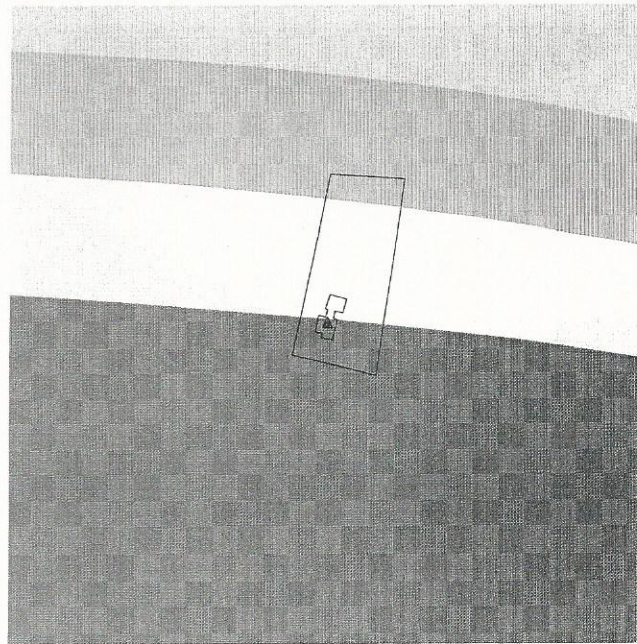
Point 87 (R-345 Non-Participant)



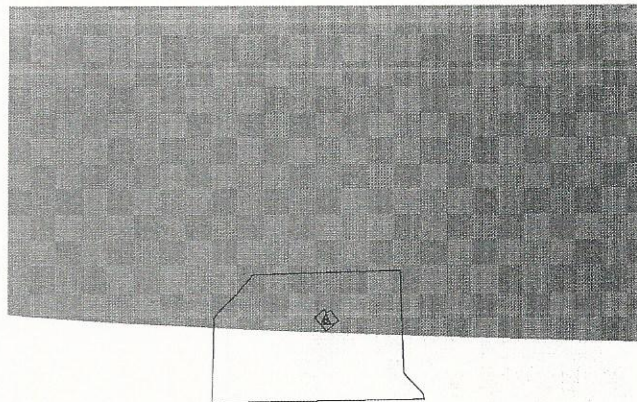
Point 14 (R-313 Non-Participant)



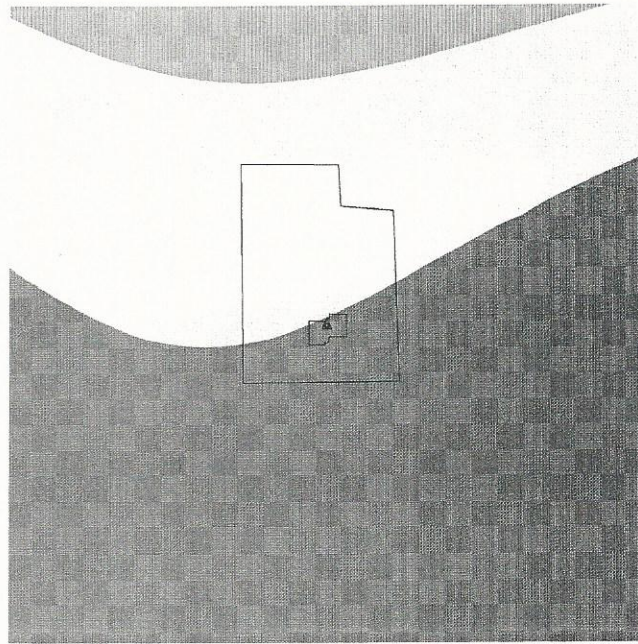
Point 263 (R-216 Non-Participant)



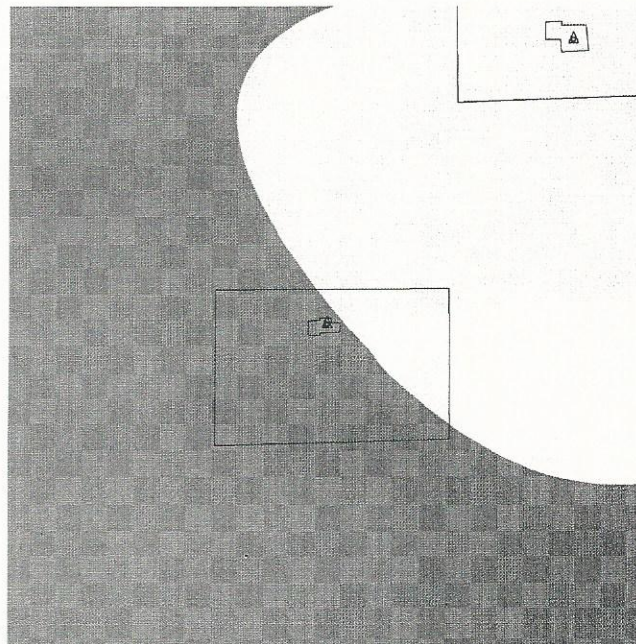
Point 21 (R-244 Participant)



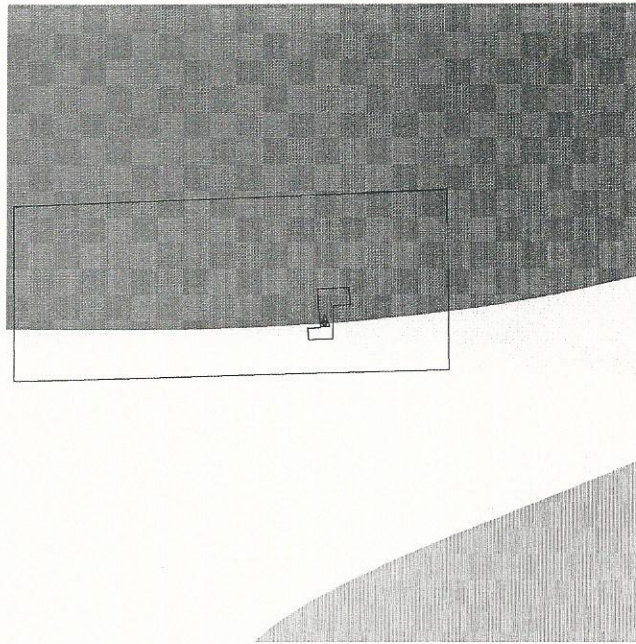
Point 180 (R-060 Participant)



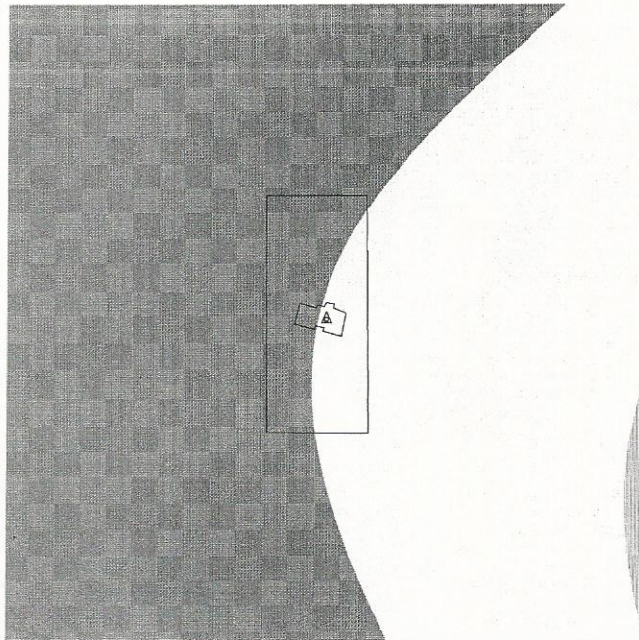
Point 11 (R-092 Non-Participant)



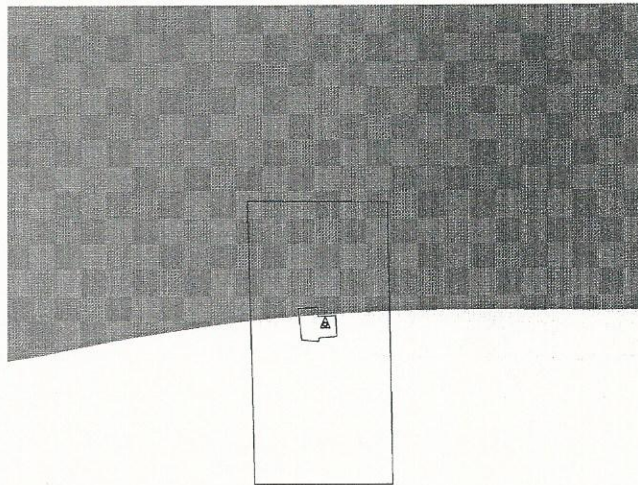
Point 20 (R-243 Non-Participant)



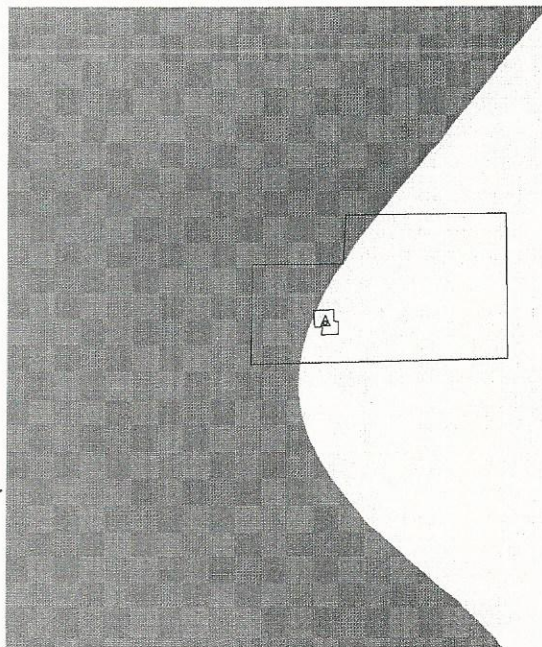
Point 181 (R-754 Participant)



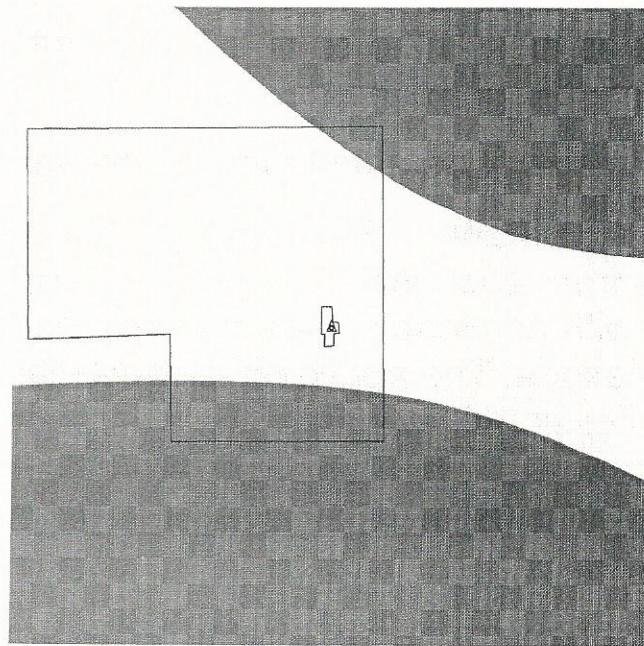
Point 85 (R-501 Non-Participant)



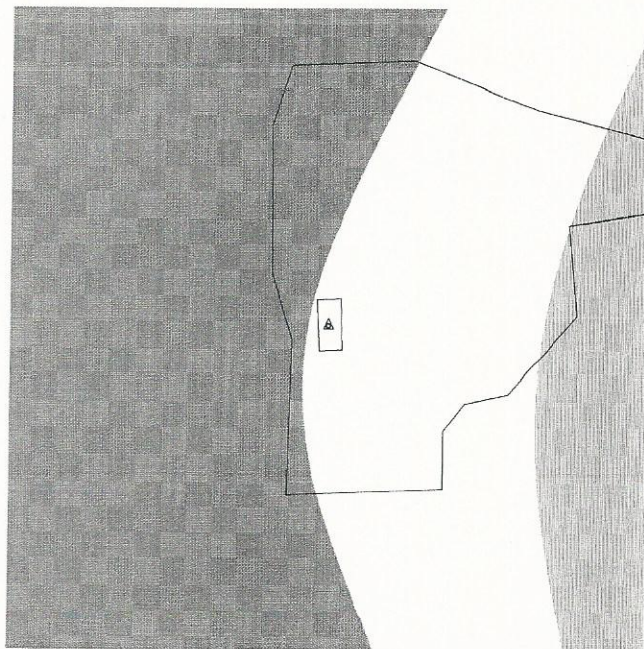
Point 27 (R-311 Non-Participant)



Point 2 (R-005 Non-Participant)



Point 127 (R-102 Non-Participant)



Summary

- More homes and property lines appear to be over IPCB limits when you look at the contour maps rather than just a point in the middle of the home.
- Participants may not be able to legally waive noise levels.
- From Zoning Ordinance: “Sec. 56-620. - Noise levels. Noise levels from each WECS or WECS project shall be in compliance with applicable state pollution control board (IPCB) regulations. The applicant, through the use of a qualified professional, as part of the siting approval application process, **shall appropriately demonstrate compliance with the noise requirements of this section.**”
- The applicant has not demonstrated IPCB compliance.