

1 S.230

2 Representative Van Wyck of Ferrisburgh moves that the House propose to  
3 the Senate that the bill be amended as follows:

4 First: After Sec. 24, by inserting a reader guide and Secs. 24a, 24b, 24c,  
5 and 24d to read:

6 \* \* \* Wind Generation; Moratorium; Sound Standards \* \* \*

7 Sec. 24a. FINDINGS AND PURPOSE

8 (a) The General Assembly finds that:

9 (1) While the science is unsettled, studies have shown that symptoms  
10 such as depression, sleeplessness, increased levels of stress, headaches,  
11 annoyance, dizziness, and nausea can be linked to sound from wind turbines.

12 (2) Some Vermont residents living near wind turbines experience  
13 impacts to their health and interference with the use of their property that they  
14 attribute to wind turbines. These health impacts include the symptoms  
15 described in subdivision (1) of this subsection.

16 (3) No Vermont statute or rule adopts standards that limit the sound  
17 created by wind turbines, instead relying on conditions issued to wind  
18 generation plants on a case-by-case basis. These conditions have not  
19 prevented the occurrence in Vermont of the symptoms described in subdivision  
20 (1) of this subsection.

1        (b) The General Assembly must act to ensure that case-by-case regulation  
2        of wind generation plants does not negatively affect the health and welfare of  
3        nearby residents. The General Assembly therefore enacts a moratorium on the  
4        construction and permitting of wind electric generation plants so that sound  
5        standards for wind turbines may be adopted by rule.

6        Sec. 24b. 3 V.S.A. chapter 4 is added to read:

7                    CHAPTER 4. MORATORIUM; WIND GENERATION EXCEEDING  
8                    100 KILOWATTS; SOUND STANDARDS

9        § 75. DEFINITIONS

10        In this chapter:

11            (1) “Person” has the same meaning as in 10 V.S.A. § 6001.

12            (2) “Plant” and “plant capacity” have the same meaning as in 30 V.S.A.  
13        § 8002.

14            (3) “Wind generation plant” means a plant that captures the energy of  
15        the wind and converts it into electricity. The term includes all associated  
16        facilities and infrastructure such as wind turbines, towers, guy wires, power  
17        lines, roads, and substations. The term does not include plants having a  
18        capacity of 100 kilowatts or less.

19        § 76. MORATORIUM; WIND GENERATION PLANTS

20        Notwithstanding any contrary provision of 1 V.S.A. §§ 213 and 214, Title  
21        10, 24 V.S.A. chapter 117, and Title 30:

1           (1) A person shall not commence or complete construction of any wind  
2           generation plant.

3           (2) An agency of the State, including the Agency of Natural Resources,  
4           the District Environmental Commissions, and the Public Service Board, shall  
5           not issue a land use, siting, or environmental permit, certificate, or other  
6           approval or amendment thereto authorizing the construction or operation of  
7           such a plant.

8           (3) This section shall apply to applications pending as of this chapter's  
9           effective date.

10           § 77. EXCEPTION

11           During the moratorium established under section 76 of this title, a person  
12           may complete construction of a wind generation plant if, as of the effective  
13           date of this chapter, the plant has received all required land use, siting, and  
14           environmental permits, certificates, and approvals.

15           § 78. VIOLATIONS; ENFORCEMENT

16           For the purpose of 10 V.S.A. chapters 201, enforcement authority of the  
17           Secretary and the Board, and 221, civil enforcement, a violation of this chapter  
18           shall be deemed a violation of 10 V.S.A. chapter 151, State land use.

19           Sec. 24c. REPEAL OF MORATORIUM

20           Sec. 24b of this act, 3 V.S.A. chapter 4, shall be repealed on the adoption by  
21           the Public Service Board of rules that set dBA limits on sound created by wind

1 generation plants. This repeal shall not affect the enforcement of violations of  
2 3 V.S.A. chapter 4 arising prior to the date of repeal.

3 Sec. 24d. RULES; SOUND STANDARDS

4 On or before July 1, 2017, the Public Service Board shall finally adopt rules  
5 under 3 V.S.A. chapter 25 that set dBA limits on the sound that may be  
6 generated by a wind generation plant as defined in Sec. 24b of this act. These  
7 limits shall be sufficient to protect the public from adverse health impacts of  
8 such sound.

9 Second: In Sec. 27 (effective dates), after subdivision (6), by inserting a  
10 subdivision (7) to read:

11 (7) Secs. 24a through 24d shall take effect on passage.