

Sound Monitoring Compliance Policy - Wind Turbine Development By-law

Approved by Colchester Municipal Council June 26, 2014

Mandate:

The purpose of establishing a compliance policy for the Wind Turbine Development By-law is to ensure that conditions for issuance of the license are being maintained during the Operations Phase of the Project. The Development Officer is responsible for ensuring conformity with any Licenses issued or renewed pursuant to the Wind Turbine Development By-law.

The objective of enforcement is to attain compliance with the Wind Turbine Development By-law through the co-operation of developers and other interested parties. The Municipality will prosecute violations of the By-law when it is determined it to be the most appropriate response to the actions of the License Holder.

Action:

1. A post-construction sound monitoring field study of the Wind Power Project will be undertaken by the License Holder to ensure the allowable standard of 36 dBA is not being exceeded. This monitoring is to be completed once within the first year of operation and the results of the study shall be provided to the Municipality.

The post-construction sound monitoring field study shall be conducted by a qualified and/or accredited professional sound consultant assigned by the Municipality.

2. If the results of the monitoring program demonstrate that the Wind Power Project exceeds 36 dBA, the License Holder will be directed to comply with the By-law through mitigation measures within a period of time that the Development Officer determines as reasonable. When the Wind Power Project meets the allowable standard, the Municipality's compliance requirement is deemed to be complete.
- 3.1 Any complaints concerning a potential violation of the Wind Turbine Development By-law shall be in writing to the Development Officer in a form required by the Municipality. The submission of Email or texts shall not constitute a written complaint although the completed form can be submitted by electronic transmission.
- 3.2 Upon receiving a complete form, the Development Officer shall assess the circumstances and reasonableness of the complaint. In making such a determination, the Development Officer shall consider the following conditions during the investigation:

- a) A change in the operation of the wind turbine which has caused an audible increase in sound transmission;
 - b) The frequency, duration, and time of day of increased noise transmission as well as weather conditions over this period;
 - c) Any information and / or data submitted by the complainant in regards to the purported increased sound transmission.
- 3.3 If the Development Officer is satisfied with evidence that suggests an increase in sound transmission from the wind turbine, he/she shall require the License Holder to undertake a sound monitoring study described above within a reasonable timeframe.
- 3.4 Upon a review of the sound monitoring study, the Development Officer shall:
- a) Advise the Complainant that the results of the sound monitoring study comply with the Wind Turbine Development By-law; or
 - b) Require the License Holder to implement mitigation measures subject to Section 2 above.
4. The Wind Turbine Development remains subject to any approvals required by statute or regulation, including, but not limited to, approval under Part V of the Nova Scotia Environment Act (Approvals and Certificates section).

Clerk's Annotation For Official Policy Book	
Date of Notice to Council Members of Intent to Consider (7 days minimum): June 6, 2014	
Date of Passage of Current Policy: June 26, 2014	
I certify that this Policy was adopted by Council as indicated above.	
<u>Ramesh Ummat</u> Municipal Clerk	<u>July 8, 2014</u> Date