

April 17, 2020

Dianne Martin, Chair
Site Evaluation Committee
21 South Fruit Street, Suite 10
Concord, NH 03301

Dear Chairperson Martin,

The general public and the stakeholders who helped develop the legislation that provides the foundation for SEC rules need to have confidence that sited energy facilities fully comply with the terms of their certificate.

This letter outlines several constituent concerns about possible certificate non-compliance issues concerning Antrim Wind Energy that require the attention of the Site Evaluation Committee.

The two attachments to this letter, one technical and the other an email thread, detail three issues:

1. The technical issues surrounding a third-party noise test. The designed test relies on a time interval that clearly departs from the one explicitly cited in SEC rules. Sound monitoring based on the proposed interval is unlikely to detect any meaningful noise violations and therefore cannot be valid.
2. The enforcement of the Antrim Wind Energy certificate's provision that radar-based lighting functions as intended, which has not been the case since the project achieved commercial operation on December 24, 2019.
3. Communications from the public, such as complaints about a facility's operation, must be posted on the SEC website, which has not happened since March 4, 2020.

We believe these issues warrant a thorough investigation by the Chair or the full SEC.

Please notify us when you have addressed these issues, and do not hesitate to contact us with any questions.

Respectfully,

Sen. Ruth Ward, Sen. Bob Giuda, Rep Michael Vose

Sen. Ruth Ward, 603-466-2311
Sen. Bob Giuda, (603) 271-7875
Rep. Michael Vose, 603-734-4084

1. NH SEC NOISE STANDARD

1.1. Background

NH Senate Bill 99 (2013) required, in part, that the Site Evaluation Committee (SEC) adopt rules "relative to criteria for the siting of energy facilities."¹ In 2014, the legislature adopted SB 281 relative to rules governing the siting of wind energy facilities.² The OEP (now the OSI) convened stakeholders as a means of facilitating public input in that process. A final report was issued to the SEC on August 12, 2014.

One stakeholder group addressed health and safety concerns relating to wind turbine siting. Areas of focus included wind turbine noise emissions, safety setbacks and other mitigations for shadow flicker, ice throw, blade shear, turbine collapse and other catastrophic events. The group also looked at the public health risks of high voltage transmission siting.

On the topic of turbine noise, four acousticians including two that worked almost exclusively for the wind industry, actively guided the group's recommendations and ultimately signed off on the final document submitted to OEP.

The language that now appears in NH Site 301.18 was taken directly from Table 1.a of the group's final report.³

1.2 Antrim Wind Sound Testing and Complaint Time Line

Early January: Antrim resident, Barbara Berwick contacted the Antrim BOS to complain of turbine noise. Ultimately her complaint was filed with the SEC admin who, in accordance with the permit issued by the SEC, hired an independent acoustician, Greg Tocci, to conduct complaint validation. Later in January, Janice Longgood of Antrim filed a complaint about turbine noise.

February 12: SEC admin and Tocci, met at the Longgood and Berwick properties. Lisa Linowes and Lori Lerner also attended. (attendees herein are referred to as the 'parties') Linowes requested the opportunity to review the noise protocol Mr. Tocci was preparing to conduct the noise test. The parties agreed to a conference call that would include at least one other acoustician with experienced in turbine noise. Tocci admitted he had never conducted sound studies at a turbine project.

February 13-14: Linowes requested confirmation of when a conference call could be scheduled. SEC Admin confirmed she would follow-up. No call was arranged.

February 24: The SEC admin shared a 'final' copy of the Tocci protocol with the parties.

February 25: A detailed letter prepared by Berwick, Longgood and Linowes was submitted to the SEC admin outlining how the protocol failed to comply with the SEC rules. The parties again requested a conference call.

March 24: SEC admin emailed a second 'final' protocol to the parties. She further informed the parties that she saw no benefit in having a conference call.

1.3 The SEC Noise Standard

The SEC noise standard codified in NH Site 301.14(f)(2)a requires that "A-weighted equivalent sound levels produced by the applicant's energy facility during operations shall not exceed the greater of 45 dBA or 5 dBA above background levels, measured at the L-90 sound level, between the hours of 8:00 a.m. and

¹ <https://www.nh.gov/osi/energy/programs/sb99pre-rulemaking.htm>

² <http://www.gencourt.state.nh.us/rsa/html/XII/162-H/162-H-10-a.htm>

³ <https://www.nhsec.nh.gov/projects/2014-04/documents/140812oep.pdf> at 49

8:00 p.m. each day, and the greater of 40 dBA or 5 dBA above background levels, measured at the L-90 sound level, at all other times during each day...". Pursuant to NH Site 301.18(e)(6), all measurements are to be taken and reported in 1/8 second (0.125 second) intervals.

The 1/8 second interval was intentionally selected by the stakeholder group that developed the rules to ensure that Leq measurements captured the amplitude modulation characteristically found in wind turbine noise. To further ensure there was no confusion regarding the Leq timeframe, the 1/8 second interval was given its own rule at NH Site 301.18(e)(6) which states "All sound measurements during post-construction monitoring shall be taken at 0.125-second intervals measuring both fast response and Leq metrics."

1.4 The Tocci Protocol

The Tocci protocol assumes a noise standard and method of noise monitoring that is contrary to the SEC rules. In particular, the Tocci protocol assumes a 1-hour time interval (Leq 1-hour). Given the variable nature of wind turbine noise, the Tocci protocol will result in filtering out most of impacting noise and potentially show compliance where there actual noise exceedances are occurring.

When asked to provide the specific language relied on in the SEC rules to support a 1-hour interval, the SEC admin stated "Since Site 301 is not specific, Mr. Tocci recommended the hourly A-weighted equivalent sound level and the methodology as written in the protocol." The SEC Admin also admitted that the ANSI 12.9 standards upon which the rules are based do not dictate a 1-hour interval.

1.5 Conclusion

Prior to 2015 and the adoption of the SEC rules, there was never a time where the SEC imposed a turbine sound standard that allowed for 1-hour averaging of data.⁴ It is not reasonable to assume such a standard would be supported in the existing rules.

Inserting an hourly average component into NH Site 301.14(f)(2)(a) significantly changes the standard adopted by the Committee. The rules are firm and are not subject to rewrite or interpretation except by the Site Evaluation Committee. If the SEC admin or Mr. Tocci were unsure or questioned the meaning of the rules, the proper action would be to call a hearing of the Committee.

2. ADLS LIGHTING STANDARD

2.1. Background

Antrim Wind Energy LLC (AWE) agreed to utilize an Aircraft Detection Lighting System (ADLS) as part of the operating Facility. (*SEC Decision and Order, March 17, 2017 at 154*) ADLS systems "permit wind turbine obstruction lights to remain off at all times unless an aircraft is operating in the vicinity of the wind farm, thus greatly reducing nighttime lighting at these wind projects. (*Antrim Wind Visual Assessment, April 27, 2015 at 37*) Antrim Wind testified that the project "virtually eliminated any nighttime visual affect through its commitment to employ an Aircraft Detection Lighting System ("ADLS"). (*Antrim Wind Energy, LLC Post-Hearing Memorandum November 30, 2016 at 30*)

The Subcommittee found that turbine lighting at the facility would not have an unreasonable adverse effect on health and safety provided the Facility is equipped with the ADLS. (*SEC*

⁴ See SEC orders for Lempster Wind (Dk #2006-01), Groton Wind (Dk #2010-01), and Antrim Wind (Dk #2012-01)

Decision and Order, March 17, 2017 at 156) The Subcommittee required the ADLS be installed prior to the Facility going into operation. (*SEC Decision and Order, March 17, 2017 at 156*) The Subcommittee also required AWE to file with the SEC admin the FAA determination of no hazard pertaining to ADLS upon its receipt. (*SEC Decision and Order, March 17, 2017 at 156*)

In a September 11, 2019 email to Administrator Monroe, TransAlta specialist Jean-Francois Latour asserted that the Town of Antrim would be informed when the ADLS was installed and fully commissioned. Mr. Latour also affirmed that the Facility's Commercial Operation Date (COD) would be delayed until the ADLS is installed and commissioned "*to be in compliance with our certificate.*"⁵ In a December 29, 2019 letter to the Antrim Selectboard, AWE states that the COD was December 24, 2019.⁶

2.2 Antrim Wind Lighting Complaint

Several videos taken by different residents living in the vicinity of the Facility since December 24, 2019 showed red blinking lights operating continuously through the night on at least four turbines and on the met tower. A formal letter of complaint was filed with the SEC on Friday, February 28, 2020 which included video screenshots of lit turbines from February 15, 2020.

On March 4, the SEC admin informed Antrim resident, Richard Block that, upon her inquiry, Antrim Wind admitted a technical issue with the ADLS that only arose on February 15 (date of the residents' screenshots) and would be resolved by March 6th. The SEC admin confirmed she only became aware of the operational issues with the ADLS when the complaint was filed.⁷ Neither she nor Antrim Wind acknowledged the neighbors complaint that blinking lights were observed continuously as far back as December/January.

In a March 4 letter to the SEC admin, TransAlta engineer Ethan Mollasalehi, asserted that icing events can cause the ADLS to fail. Given the meteorological conditions at the project site, icing is not an unusual event. According to the Docket record, lights would trigger only when an aircraft is in the immediate vicinity of the turbines or during an equipment failure. Mr. Mollasaleh states in his letter, that "to avoid notifying you [the SEC admin] for typical causes (e.g. icing events), AWE will provide notice by email where AWE reasonably believes that an ADLS outage will last longer than 48 hours." The conditional permit issued by the SEC does not provide for a 48-hour waiver on lighting during normal operations.

The residents have not received any follow-up correspondence from the SEC admin since March 6. In that period since March 6, the residents have repeatedly observed lights on at the Facility. No apparent public action has been taken by the SEC admin to ensure enforcement of the permit on this issue.

⁵ https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2019-09-11_awe_response_faa_lighting.pdf

⁶ https://www.nhsec.nh.gov/projects/2015-02/post-certificate-filings/2015-02_2019-12-29_notice_commercial_operation_date.pdf

⁷ This was not the first time residents of Antrim filed a complaint regarding lighting at the Facility. In September 2019, residents raised concerns that the turbines were not lit for most of the construction period from June to September 2019. Non-lighting of structures that are 200+ feet tall produces a serious air navigation risk in violation of the SEC permit and FAA regulations.

2.3 Conclusion

Turbine lighting was a significant concern for the committee and the residents. The SEC was clear in its deliberations and its permit that the Facility, without an operational ADLS, would produce an unreasonable adverse effect on health and safety. Given the emphasis on this issue and the ongoing concern by residents that the ADLS is not operating according to expectations set by Antrim Wind, a more thorough investigation by the SEC appears warranted. Additionally, it is not clear the SEC admin has the authority to grant an operational waiver that allows the project to stay illuminated up to 48-hours when the cause of the lighting is a normal condition such as icing.

3. LACK OF TRANSPARENCY

None of the issues cited under 1 and 2 above appear on the SEC website for Docket 2015-02 despite numerous communications, including formal documents, sent between the members of the public and the SEC admin since January 2020. The SEC has had a long history of encouraging transparency where all communications with the SEC were regularly posted on the SEC website. The addition of the SEC admin was intended, in part, to further facilitate communication, especially during those periods when the SEC is not in session. It is appropriate for the SEC to investigate its process for sharing information.

E-MAIL THREAD 1: NOISE

From: Barbara Berwick

Sent: Tuesday, April 7, 2020 12:25 AM

To: Monroe, Pamela <Pamela.monroe@sec.nh.gov>; Janice Longgood; Bob Edwards home; Lisa Linowes

Subject: Re: Final Protocol

Hello Pam, forgive me for taking so long to reply. My original complaint was sent to our selectmen on Dec 28th, who forwarded my complaint to AWE on Dec 29th, I'll paste their response below. Basically, they were telling me, that they were in compliance, not referring me to you, not suggesting any solution.

I don't think I need to remind you of their answer to the blinking lights. According to them, they are in compliance. The lights that we still see flashing in the sky, every night, must not be there, according to them. (I do have videos of the one we see if you would like them).

While the company they hired for sound testing was here, they assured me that they would send the protocols they were using to you and ask you to forward them to me, but again, I have received nothing.

If they were following the rules, I can't imagine why they were not willing to simply send them directly to me. I specifically asked for them, and told them I was very concerned that they were not following the rules approved by the SEC. Also amazingly, during that time they were testing there was only one day that the sound was bad at all and the day after they picked up their machines, the sound again was terrible.

I could also bring up how every single person during the SEC hearings believed that our well would be tested before blasting began, definitely AWE led my husband and I to believe it would be, but, NO, that wasn't ever agreed upon.

I could also bring up how their first sound study INCLUDED the sounds of hammering while our deck was being constructed and did not filter out those sounds.

So, I believe, that there is sufficient cause for my feelings that AWE is a dishonest company and that if we inform them of our testing than we might as well not bother doing it at all. I don't believe that they need to be given advance notice, as there are no other businesses that are given advance notice of any inspections, with the understanding that of course they will be honest. It goes against the very rules of inspections.

If they are unable to turn off the windmills within 1 hour or being called then I think that is an even bigger problem that would need to be addressed. As for the meteorological conditions present at the time of the complaint, I believe there must be other ways, since it will always be impossible to "replicate" conditions.

Since we will not possibly be able to replicate the meteorological conditions that were present on Dec 28, or even for any date in Jan at this point in time, I would sincerely appreciate if we could have that telephone conference that you once were willing to have with Mr. Rand, Lisa Linowes, and whoever else want to join. I don't think that this is really asking so much. One thing this time of teaching online has taught us is how easy it is to have face to face meetings online.

I truly am not trying to be a problem, and I apologize if I appear to be so.

Hello Barbara,

Thanks for reaching out regarding this.

The agreement with the Town of Antrim (amended on 2018-01-16) describes the sound level limits that apply to the wind farm at receptors (the exterior facades of homes). Per this agreement, the sound from Antrim Wind farm during Operations shall not exceed the greater of 45 dBA or 5 dBA above background levels (measure at the L90 level) between the hours of 8:00 AM and 8:00 PM and the greater of 40 dBA or 5 dBA above background levels (measured at the L90 level) at all other times. Compliance to those levels has been demonstrated through the sound assessment report submitted during the project's application.

Additionally, and per the Certificate from NHSEC and per the agreement mentioned above, we are planning to conduct four (4) noise measurements this year, one each season. It is intended to perform the first one before March 24, 2020. The final report of each measurements will be submitted to the town within 30 days of its receipt by Antrim Wind Energy/TransAlta.

Thanks

Ethan

On Mon, Mar 30, 2020 at 10:33 AM Monroe, Pamela <Pamela.Monroe@sec.nh.gov> wrote:

Dear Ms. Berwick-

If I thought that a conference call would be productive and helpful, I would schedule one. I understand Ms. Linowes position from the written comments that were received. The comments were helpful, were fully considered, and changes were made to the protocol. For instance, the initial protocol provided that the three turbines closest to each receptor would be shutdown for a 15-minute interval to determine the contribution of background sound to measured AWE sound. The revised protocol specifies that all of the turbines will be shutdown for a period of 30-minutes.

You have mentioned many times to me that you don't want AWE to know when the testing will occur. My sense is that you believe that AWE staff would somehow implement measures at the facility to minimize/mitigate the sound impacts during the testing. I have responded to your concern previously, but since you raised it again, I will do my best to address it. In order to comply with Site 301.18(i), and conduct the field measurements "...under the same meteorological conditions as occurred at the time of

the exceedance that is the subject of the complaint,” we need AWE to provide Cavanagh Tocci with forecasted information (see page 2, re: measurement scheduling that includes forecasts during 6:00 p.m. and 10:30 p.m. timeframe for hub height wind speeds, wind direction, electrical power generation, etc.). The parameters on page 2 were developed based upon review of data provided by AWE during dates and times that you and Ms. Longgood filed complaints. In addition, in order to shutdown all of the turbines for a period of 30-minutes, this period needs to be pre-programmed in the SCADA system. Following the testing, AWE is required to provide actual hub height wind speed and direction, as well as power generation (page 4) so that Cavanaugh Tocci can verify that the actual conditions for those parameters.

The conditions in the Certificate requires the Administrator, to approve a third-party noise expert to assist in taking field measurements in order to evaluate and validate noise complaints. The protocol is not intended to revise the rules, it is intended to implement the rules for taking field measurements pursuant to Site 301.18(i). I understand and take very seriously the importance of obtaining accurate measurements and determining compliance with the rules and specific conditions in the Certificate. You may not know that I managed compliance and enforcement programs in the Air Resources Division at the Department of Environmental Services for 15-years before I accepted the position of SEC Administrator. I believe that this work is important and I also understand that the data needs to be gathered, validated, and evaluated so that a compliance determination can be made. But I cannot move forward an authorize the measurements until I receive approval from both you and Ms. Longgood so that we can implement this program.

Just so that you know, for the past week or so, the forecasted conditions have not met the conditions specified on page 2, so the testing program would not have been implemented anyway.

Sincerely,

Pam

Pamela G. Monroe
Administrator
Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
Phone 603-271-2435
Fax 603-271-3878
Pamela.monroe@sec.nh.gov
<http://www.nhsec.nh.gov/index.htm>

From: Barbara Berwick
Sent: Monday, March 30, 2020 12:23 AM
To: Monroe, Pamela <Pamela.Monroe@sec.nh.gov>; Bob Edwards home;
Cc: Janice Longgood; Lisa Linowes; antrimbiz@tds.net
Subject: Re: Final Protocol

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Pam, I have no doubt that you are working in good faith. Still I am concerned that if all those protocols, that were established by the SEC committee ,and discussed at length during the hearings, are not applied then everything that the commissioners voted on is not valid. There was a lot of discussion about the protocols and it was assured to all of us that these would be the protocols followed. It was mentioned often how our state protocols were stricter than those of the industry or of other states. It was one of the factors that was mentioned during their closing discussions about why they felt comfortable passing this, because these protocols and rules were in place.

You did, at one time say that we could have a discussion including Mr. Tocci, Lisa Linowes (who was on that committee) and also another noise expert to discuss these protocols. That really hasn't happened, and this is the rest of our lives we are talking about. I am positive that just like any court trial, the first case and setting protocols is the most important aspect of all. Also, telling AWE ahead of time is guaranteeing that they will find no problems.

On Thu, Mar 26, 2020 at 10:16 AM Monroe, Pamela <Pamela.Monroe@sec.nh.gov> wrote:

Dear Ms. Longgood and Ms. Berwick-

The Certificate contains the following condition:

“Further Ordered that the Applicant shall retain a third-party noise expert, as approved by the Administrator of the Committee, to assist the Town of Antrim and the Administrator in taking field measurements in order to evaluate and validate noise complaints; and it is,”

I have worked in good faith to respond to your complaints, which I take very seriously, and to implement the condition in the Certificate so that field measurements can be taken to evaluate compliance with the applicable limits. I approved the retention of Mr. Tocci as a third party noise expert and while the rules do not require it, he developed a Third Party Measurement Protocol, which you provided comments on. Your comments were very helpful and were thoroughly reviewed and considered. A revised protocol was forwarded to you with a request for permission to access your property so that the measurements can be taken and the data gathered. If I thought that a conference call would be helpful or productive, I would schedule one. At this point, Mr. Tocci and his staff are available to conduct the measurements when the specified conditions are forecasted (see page 2). The only way that he and his staff can gather the data, is for you to grant permission to set up the equipment at the locations we discussed when we conducted the site visit on February 12, 2020.

Please advise.

Sincerely,

Pam

[Pamela G. Monroe](mailto:Pamela.G.Monroe)

Administrator
Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
Phone 603-271-2435
Fax 603-271-3878
Pamela.monroe@sec.nh.gov
<http://www.nhsec.nh.gov/index.htm>

From: Janice Longgood
Sent: Tuesday, March 24, 2020 8:16 PM
To: Barbara Berwick
Cc: Monroe, Pamela <Pamela.Monroe@sec.nh.gov>; Lisa Linowes; antrimbiz@tds.net
Subject: Re: Final Protocol

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I am in total agreement with Barbara.
Please consult the experts who developed the rules and offered

To be involved via conference call to help to ensure that the protocols are followed as developed and required by law.

Thank you

Janice Longgood

Sent from my iPhone

On Mar 24, 2020, at 6:17 PM, Barbara Berwick wrote:

Pam, Just from my limited knowledge, it appears that these protocols do not match those that are required. I know that the protocols that the company AWE hired did not match the protocols and so more than ever this is crucial to have these tests done correctly. Following acceptable standard protocols is not enough, it is important that the protocols laid out and approved by the SEC be followed. We have no problem with equipment being set up in our yard, but only if the protocols are changed to match the law.

On Tue, Mar 24, 2020, 3:53 PM Monroe, Pamela <Pamela.Monroe@sec.nh.gov> wrote:

Dear Ms. Berwick and Ms. Longgood-

Please see attached revised final protocol that I have approved and will be implemented in order to conduct the complaint testing. I apologize for the delay in finalizing this.

As you know, I have approved Cavanaugh Tocci to serve as the third-party noise expert to assist me and the Town in taking the field measurements in order to evaluate and validate the noise complaints. Mr. Tocci and his staff are ready and willing to conduct the testing when the forecasted conditions arise (see Measurement Scheduling on page 2).

In light of the current public health emergency, I am checking with you both to see if you will grant access to your property for the testing, or if you prefer to wait until the current public health emergency situation changes.

Please advise.

Sincerely,

Pam

E-MAIL THREAD 2: NOISE

-----Original Message-----

From: Lisa Linowes

Sent: Monday, March 30, 2020 10:27 AM

To: 'Monroe, Pamela' <Pamela.Monroe@sec.nh.gov>

Cc: 'Barbara Berwick' ; 'Janice Longgood'; antrimbiz@tds.net; 'Iacopino, Michael J' <miacopino@brennanlenahan.com>; Stephen Ambrose; Robert Rand; Rick James; Lori Lerner; David.Wiesner@puc.nh.gov

Subject: RE: Final Protocol

Dear Ms. Monroe - We're obviously at an impasse. A conference call with those involved in the rulemaking process, including Attorneys David Wiesner and Mike Iacopino (both cc'ed here), will help allay the concerns of all parties and address any confusion. Mr. Tocci has undertaken his own rule-making with his protocol which is neither acceptable nor permitted.

Based on your responses below:

- 1) You agree there is no language in the SEC rules that supports A-weighted hourly equivalent sound levels;
- 2) You agree ANSI/ASA S12.9-2013 Part 3, which is the governing standard in Site 301.18 (e)(1) for attended monitoring, does not mandate hourly equivalent sound levels.

In order to respond to two claims you make in your email, it's important that you understand the origin of NH Site 301.18.

The language that now appears in the SEC rules was developed through a 2014 stakeholder process that involved input from many participants including wind developers, members of the public, and 4 acousticians with experience in turbine sound measurements. I moderated that process. The final report can be found here beginning at pdf 49 of 112: <https://www.nhsec.nh.gov/projects/2014-04/documents/140812oep.pdf>

Table 1.a of the report includes the wording found in NH Site 301.18.

You will also see that NH Site 301.18(e)(1) and NH Site 301.18(e)(6) came directly from Table 1.a. Each of the acousticians signed off on the language, as did the wind developers who participated. Our process for sign-off was shared with the Committee and Attorney Wiesner. Those who participated, including myself, are very knowledgeable as to the intent and meaning of every word in the rules.

1) Regarding complaint monitoring, it is the meteorological conditions (including time of day) that drive when the test is to be conducted. For this reason, the reference to "at least one nighttime hour where turbines are operating at full sound power" does not apply. This requirement was included in NH Site 301.18(e)(1) to ensure that those conducting a standard sound study did not limit their attended surveys to the daytime hours. Use of an 'hour' timeframe is not indicative of measurement intervals. To be clear, the operative word here rule is 'nighttime'.

2) The stakeholders were very clear that the measurement interval be 1/8 second. It's for this reason that NH Site 301.18(e)(6) stands as its own rule. There was to be no confusion regarding the Leq timeframe. This was explicitly selected to ensure Leq measurements captured the amplitude modulation characteristically found in wind turbine noise.

Since these are the rules, please provide a basis for your claim that a Leq 1/8 second "makes no sense at all and is not consistent with the rules as written."

I am very sympathetic and genuinely concerned for the Antrim residents who are experiencing negative impacts from turbine noise. However, monitoring based on Mr. Tocci's protocol will result in filtering out most of impacting noise. This is exactly what the SEC rules were written to avoid.

--Lisa Linowes

-----Original Message-----

From: Monroe, Pamela [<mailto:Pamela.Monroe@sec.nh.gov>]

Sent: Friday, March 27, 2020 3:43 PM

To: Lisa Linowes

Cc: 'Barbara Berwick'; 'Janice Longgood'; antrimbiz@tds.net; Iacopino, Michael J <miacopino@brennanlenahan.com>; Stephen Ambrose; Robert Rand; Rick James; Lori Lerner;

Subject: Re: Final Protocol

Dear Ms. Linowes-

I am well aware of the difference between the post-construction sound monitoring and the complaint monitoring. By way of example, the forecasted conditions in the measurement scheduling section of the protocol were developed after reviewing data during the dates and times provided by the complainants in an effort to take the field measurements under the same meteorological conditions. See 301.18(i).

Those conditions differ from the post-construction compliance monitoring provision in Site 301.18(e)-(g).

I agree with you that the ANSI/ASA S12.9-2013 Part 3 does not "dictate" an hourly timeframe and that is not what I stated.

The 0.125-second intervals that you refer to below are contained in the post-construction monitoring provisions (that you opine are not relevant) in the rules at Site 301.18(e)(6) and specifies the measurement interval. I believe that you are suggesting that the 0.125-second measurement interval is the standard for determining compliance with Site 301.14(f)(2)a. which you cited below is: "...the A-weighted equivalent sound levels produced by the applicant's energy facility during operations shall not exceed the greater of 45 dBA or 5 dBA above background levels, measured at the L-90 sound level, between the hours of 8:00 a.m. and 8:00 p.m. each day, and the greater of 40 dBA or 5 dBA above background levels, measured at the L-90 sound level, at all other times during each day..." That makes no sense at all and is not consistent with the rules as written.

Site 301.18(e)(1) is certainly relevant to the analysis in that it requires post-construction short-term attended measurements to include at least one nighttime hour when the standard is the greater of 40 dBA or 5 dBA above background levels, measured at the L-90 sound level.

My comment about further delay was not intended to point a finger in any way, and I would suggest that doing so serves no purpose, especially in light of the stressors that all folks are feeling these days. The Committee tasked me with retaining a third party noise expert. I have done that and have approved the protocol. Mr. Tocci and his staff stand ready to conduct the measurements when the forecasted conditions arise and as soon as I receive landowner permission to set up the equipment on their property.

Sincerely,

Pam

From: Lisa Linowes <llinowes@windaction.org>

Sent: Friday, March 27, 2020 1:29 PM

To: Monroe, Pamela

Cc: 'Barbara Berwick'; 'Janice Longgood'; antrimbiz@tds.net; Iacopino, Michael J; Stephen Ambrose; Robert Rand; Rick James; Lori Lerner

Subject: RE: Final Protocol

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Ms. Monroe - The rules are specific. They require testing be conducted at 1/8 second intervals and reported as such. I will not speak to Mr. Tocci's experience, however, there is nothing in ANSI/ASA S12.9-2013 Part 3 that dictates such an hourly timeframe.

Inserting an hourly average component into NH Site 301.14(f)(2)(a) significantly changes the standard adopted by the Committee. The rules are firm and are not subject to rewrite or interpretation except by the Site Evaluation Committee. If you are questioning the plain reading of the rule, the proper action by you would be to call a hearing of the Committee. This is not a question of experts disagreeing. The following is from the Committee's decision in Docket 2015-02:

"The Subcommittee notes that the Applicant guaranteed that noise levels associated with the Project will not exceed the requirements set forth in N.H. CODE ADMIN. RULES, Site 301.14 (f)(2)(a), i.e. the greater of 45 dBA or 5 dBA above background levels, measured at the L-90 sound level, between the hours of 8:00 a.m. and 8:00 p.m. each day, and the greater of 40 dBA or 5 dBA above background levels, measured at the L-90 sound level, at all other times during each day. See N.H. CODE ADMIN. RULES, Site 301.14 (f)(2)(a). The Subcommittee finds that so long as the Project complies with the noise level requirements set forth in the rules, that it will not have an unreasonable adverse effect on health and safety." Decision and Order Granting Application for Certificate of Site and Facility at 153. March 17, 2017.

Also, as I've stated previously, Mr. Tocci is tasked with conducting post-construction complaint monitoring, not post-construction compliance monitoring. The conditions under which NH Site 301.18(i) applies differ from the Committee's seasonal monitoring rules. The 1-hour nighttime period is not relevant. The current protocol fails to address this fact.

I agree that time is of the essence. I respectfully submit that the delay is not of our making. We met at the Longgood and Berwick properties on February 12th. We asked at that time to review the protocol and to schedule a conference call with our experts. You and Mr. Tocci were in agreement with that being a next step. Instead, you delivered a 'finalized' copy of the protocol on February 24th. We submitted a letter on 2/25 detailing how the protocol failed to comply with the rules and again requested a conference call. A month later, on March 24, you emailed a second 'final' protocol and informed us that you saw no benefit in meeting by phone.

--Lisa Linowes
603-838-6588

From: Monroe, Pamela [<mailto:Pamela.Monroe@sec.nh.gov>]
Sent: Friday, March 27, 2020 11:05 AM
To: Lisa Linowes
Cc: Barbara Berwick; Janice Longgood; antrimbiz@tds.net
Subject: RE: Final Protocol

Dear Ms. Linowes-

Mr. Tocci and I have discussed this and reviewed your comments and the rules. Since Site 301 is not specific, Mr. Tocci recommended the hourly A-weighted equivalent sound level and the methodology as written in the protocol. His recommendation to me is based on his knowledge, experience, review of the literature, and ANSI 12.9 standards. In addition, Site 301.18 (e)(1) provides that post-construction compliance monitoring shall include at least on nighttime hour.

The Certificate requires me to retain a third-party expert, to assist me and the Town in taking field measurements to evaluate and validate noise complaints. Mr. Tocci has been retained for this purpose

and is an expert who was previously retained by Counsel for the Public in a previous Antrim Wind docket. I know that experts and lawyers can all disagree. I have approved the protocol and now Mr. Tocci needs landowner permission to take the required measurements. I have been working hard to be responsive to the complainants concerns, as this is very important to me and what I am tasked with under the Certificate, but until measurements are taken and a report is submitted, I have no way of knowing if the AWE facility is in compliance.

There will be ample opportunity for both the public and AWE to review and critique the report and the resulting analysis. I don't think that further delay is in the best interest of anyone.

Sincerely,
Pam

Pamela G. Monroe

Administrator
Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
Phone 603-271-2435
Fax 603-271-3878
Pamela.monroe@sec.nh.gov<<mailto:Pamela.monroe@sec.nh.gov>>
<http://www.nhsec.nh.gov/index.htm>

From: Lisa Linowes
Sent: Thursday, March 26, 2020 4:13 PM
To: Monroe, Pamela
<Pamela.Monroe@sec.nh.gov<<mailto:Pamela.Monroe@sec.nh.gov>>>; 'BARBARA Berwick'; 'Janice Longgood'
Cc: 'Lisa Linowes' ; antrimbiz@tds.net<<mailto:antrimbiz@tds.net>>; Iacopino, Michael J
<miacopino@brennanlnehan.com<<mailto:miacopino@brennanlnehan.com>>>; Robert Rand; Stephen Ambrose; Rick James; Lori Lerner
Subject: RE: Final Protocol

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I am resending my email of Tuesday in case you did not see it. Please provide the specific SEC rules relied on to support A-weighted hourly equivalent sound levels.

Thank you,
--Lisa Linowes

-----Original Message-----

From: Lisa Linowes [<mailto:llinowes@windaction.org>]
Sent: Tuesday, March 24, 2020 11:29 AM
To: Monroe, Pamela

<Pamela.Monroe@sec.nh.gov<<mailto:Pamela.Monroe@sec.nh.gov>>>; 'BARBARA Berwick'; 'Janice Longgood'
Cc: 'Lisa Linowes' ; antrimbiz@tds.net<<mailto:antrimbiz@tds.net>>; Iacopino, Michael J
<miacopino@brennanlnehan.com<<mailto:miacopino@brennanlnehan.com>>>; Robert Rand; Stephen Ambrose; Rick James; Lori Lerner
Subject: RE: Final Protocol

Dear Ms. Monroe - Thank you for sharing the protocol. The parties were expecting a more transparent process from the SEC. Nonetheless, please advise as soon as possible where in N.H. Site 301.14(f)(2)a and N.H. Site 301.18 you found language to support A-weighted hourly equivalent sound levels.

--Lisa Linowes

-----Original Message-----

From: Monroe, Pamela [<mailto:Pamela.Monroe@sec.nh.gov>]
Sent: Tuesday, March 24, 2020 11:12 AM
To: BARBARA Berwick; 'Janice Longgood';
Cc: Lisa Linowes; antrimbiz@tds.net<<mailto:antrimbiz@tds.net>>
Subject: Final Protocol

Dear Ms. Berwick and Ms. Longgood-

Please see attached revised final protocol that I have approved and will be implemented in order to conduct the complaint testing. I apologize for the delay in finalizing this.

As you know, I have approved Cavanaugh Tocci to serve as the third-party noise expert to assist me and the Town in taking the field measurements in order to evaluate and validate the noise complaints. Mr. Tocci and his staff are ready and willing to conduct the testing when the forecasted conditions arise (see Measurement Scheduling on page 2).

In light of the current public health emergency, I am checking with you both to see if you will grant access to your property for the testing, or if you prefer to wait until the current public health emergency situation changes.

Please advise.

Sincerely,
Pam

E-MAIL THREAD 3: TURBINE LIGHTING

From: "Pamela Monroe" <Pamela.Monroe@sec.nh.gov>
To: "Richard Block"
Cc: "Michael J Iacopino" <miacopino@brennanlennahan.com>, mgenestbos@gmail.com, jrobertsonbos@gmail.com, rledwardsbos@gmail.com, antrimbiz@tds.net, "Annie Law", "Bob Cleland", "Barbara Berwick";, "Fish Henninger"; "Janice Longgood"; "Mary Allen"; "Brenda Schaefer"; "Mark Schaefer"; "Peter Moore", "geoffrey t jones"; Sy Montgomery; antrimbiz@tds.net
Sent: Monday, March 9, 2020 3:30:53 PM
Subject: RE: Antrim Wind ADLS compliance

Dear Mr. Block, *et al-*

Please see attached report that I received on March 4. I am also attaching my notes of calls that I had with my contacts at AWE as to the status of the ADLS prior to COD.

In answer to your question, I was not aware of the drive failure until I received your complaint. Upon receipt of your complaint, I spoke with my contact for AWE and requested a written summary of the status of the ADLS. During that call, I also requested that I be notified of any future unforeseen outages of the ADLS.

Sincerely,
Pam

Pamela G. Monroe
Administrator
Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
Phone 603-271-2435
Fax 603-271-3878
Pamela.monroe@sec.nh.gov
<http://www.nhsec.nh.gov/index.htm>

From: Richard Block <snowstar@tds.net>
Sent: Friday, March 6, 2020 10:14 AM
To: Monroe, Pamela <Pamela.Monroe@sec.nh.gov>
Cc: Iacopino, Michael J <miacopino@brennanlennahan.com>; mgenestbos@gmail.com; jrobertsonbos@gmail.com; rledwardsbos@gmail.com; antrimbiz@tds.net; "Annie Law", "Bob Cleland", "Barbara Berwick";, "Fish Henninger"; "Janice Longgood"; "Mary Allen"; "Brenda Schaefer"; "Mark Schaefer"; "Peter Moore", "geoffrey t jones"; Sy Montgomery;
Subject: Re: Antrim Wind ADLS compliance

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Ms. Monroe,

Thank you for your preliminary response.

My neighbors in Antrim have observed blinking lights continuously as far back as we can recall. Please advise when you were notified of the alleged drive failure, or was our February 28th letter the first time you were made aware of the problem?

Also, with regard to your email, please let us know what you mean by “a full report as the timeline of events.” Will this report include proof of acquisition, installation, and operation of the ADLS, from prior to the commercial operation date (COD) through to today?

Given the specificity of the SEC’s requirement that the ADLS be in full operation PRIOR to the COD, your apparent casual response is concerning. It’s our expectation that the SEC will exercise continuous rigorous oversight of permit compliance and not reactive responses only after we’ve complained. Monitoring the facility should not have to be our responsibility.

We look forward to seeing the full report from TransAlta.

Sincerely,
Richard Block

Richard Block
Snow Star Farm
63 Loveren Mill Road
Antrim, New Hampshire 03440
603-588-2552

From: "Pamela Monroe" <Pamela.Monroe@sec.nh.gov>
To: "Richard Block"
Cc: "Michael J Iacopino" <miacopino@brennanlenehan.com>, mgenestbos@gmail.com, jrobertsonbos@gmail.com, rledwardsbos@gmail.com, antrimbiz@tds.net
Sent: Monday, March 2, 2020 3:40:32 PM
Subject: RE: Antrim Wind ADLS compliance

Dear Mr. Block-

Thank you for your correspondence. I contacted Antrim Wind Energy regarding your complaint. It is my understanding that there is currently a technical issue with the ADLS and that one of the drives is not working. A new drive is scheduled to be delivered to the site on Wednesday, March 4, with installation scheduled on March 6. The default is for the lighting system to turn on if there is a fault with the ADLS. I have asked for a full report as the timeline of events.

I will be out of the office from March 3-6, and I will respond to you with more information upon my return to the office.

Sincerely,
Pam

Pamela G. Monroe
Administrator
Site Evaluation Committee
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429
Phone 603-271-2435
Fax 603-271-3878
Pamela.monroe@sec.nh.gov
<http://www.nhsec.nh.gov/index.htm>

From: Richard Block
Sent: Friday, February 28, 2020 5:56 PM
To: Monroe, Pamela <Pamela.Monroe@sec.nh.gov>
Cc: Iacopino, Michael J <miacopino@brennanlenahan.com>; Justin C. Richardson <jrichardson@uptonhatfield.com>; mgenestbos@gmail.com; jrobertsonbos@gmail.com; rledwardsbos@gmail.com
Subject: Antrim Wind ADLS compliance

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Ms. Monroe,

Attached please find documents relating to Antrim Wind's compliance with the Aircraft Detection Lighting System as mandated by their SEC Certificate of Site and Facility.

Richard Block
Snow Star Farm
63 Loveren Mill Road
Antrim, New Hampshire 03440
603-588-2552