

State of New Hampshire
Site Evaluation Committee

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Dianne Martin
Chairwoman

Robert R. Scott
Vice-Chair

June 15, 2020

(Via Email Only)

The Honorable Ruth Ward,
The Honorable Robert Giuda,
The Honorable Michael Vose

Dear Senator Ward, Senator Giuda and Representative Vose:

I appreciate you bringing the concerns of your constituents to my attention and to the attention of the full Site Evaluation Committee (Committee). The Committee takes all of the issues you raise regarding complaints and transparency very seriously. I have shared your correspondence with the full Committee. In response to the concerns shared in your letter, I offer the following:

Noise Complaints

As you may know, four individuals have submitted noise complaints related to Antrim Wind Energy, LLC ("Antrim Wind"). In your letter, you share your concern that the sound testing protocol used to validate noise complaints is inconsistent with the sound interval requirements contained in N.H. Admin. R., Site 301.18(e)(6).

As a preliminary matter, the process for handling noise complaints is set forth in the Committee's administrative rules. As Committee Chair, I lack the independent authority to act on complaints. Administrative rule Site 301.17 provides that the Committee must consider delegation to the Committee administrator ("Administrator"), or another agency or state official, the authority to monitor compliance and ensure that related terms and conditions of the certificate are met. Additionally, whenever a noise complaint is received, Site 301.18(i) requires field sound surveys to be conducted under the same meteorological conditions that occurred at the time of the alleged exceedance, unless the Administrator determines that such surveys are unwarranted. Ultimately, Site 302.01 provides that the determination as to whether there is a violation of a term or condition of a certificate is reserved to either the Committee or the Administrator as designee.

In this case, the Subcommittee that decided the Antrim Wind Energy, LLC ("Antrim Wind") matter, delegated to the Administrator the authority to take field measurements to evaluate compliance with sound standards. The Subcommittee also required Antrim Wind to retain a third-party noise expert, as approved by the Administrator, to assist the Town of Antrim and the Administrator in taking field measurements in order to evaluate and validate noise complaints. *See* the Antrim Wind Energy, LLC Order and Decision ("Order") at [p.153](#). As a result, the field sound surveys to evaluate noise complaints are required to be done by the Administrator (assisted by an expert), who will report the results to the Committee for a determination as to whether there is a violation.

The Administrator has approved retention of an expert to assist in taking field measurements as required in the Order. You have raised a concern that the proposed protocol to validate sound complaints does not comply with Site 301.18(e)(6). While Site 301.18(e) applies to seasonal post-construction monitoring events and not specifically to noise complaints, I understand and appreciate your concern. The protocol is being amended to provide that the sound measurements shall be taken at intervals that not only meet, but exceed the requirement in

the rule. *See* attached Amended protocol at p. 3, ¶1(e). Access to the complainant's property is necessary for the field sound surveys required for validation. That access had not previously been granted. I understand that one of the complainants has recently authorized access. If permission by the remaining complainants is granted, the forecasting and the field sound surveys will proceed for all complainants, and the information gathered can be reported to the Committee for a determination as to whether a violation has occurred. Otherwise, field sound studies can only be completed for the complainant that has grant permission to access her property.

Aircraft Detection Lighting System

The second concern raised in your letter relates to a complaint received on February 28, 2020 from Richard Block and 16 other individuals regarding the Aircraft Detection Lighting System (ADLS) required by the [Order at p. 156](#). The ADLS is a radar operated lighting system used to ensure safe use of navigable airspace by aircraft and it required and received approval from the FAA. The Antrim Wind Order specifically required the installation of an ADLS prior to commercial operation of the facility. The ADLS was installed and, thereafter, commercial operation began on December 24, 2019.

The complaint alleges that the ADLS was inoperable and that blinking obstruction lights were continuously observed from February 15, 2020 through February 16, 2020. The Administrator responded to the complaint and immediately requested Antrim Wind investigate and report back. On March 4, Antrim Wind provided a response to the complaint. The letter is posted on the Committees website and attached for your reference. The Antrim Wind response indicated that beginning on February 15, 2020, the first day referenced in the complaint, a radar fault occurred in the ADLS and, consistent with FAA requirements when such a fault occurs, the obstruction lighting automatically turned on and remained on for safety. Antrim Wind reported that a motor was reset on February 18, 2020, temporarily resolving the issue, but a fault occurred a second time on February 20, 2020 causing the obstruction lighting to remain on once again. As a result of the second occurrence, Antrim Wind determined the motor should be replaced; a new motor was received on March 4, 2020 and installed on March 6, 2020, finally resolving the issue.

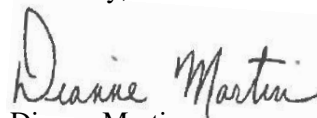
On May 1, in response to this inquiry, Terma, the manufacturer of the ADLS, confirmed in writing that the ADLS is now "performing correctly and as designed in accordance with aircraft detection lighting system (ADLS) requirements specified in Federal Aviation Administration (FAA)..." requirements.

Transparency

The final concern raised in your letter is that information regarding complaints to the Committee have not been posted to the Committees website. I appreciate you raising this issue and share your concern for transparency. As indicated in my prior response, with the permission of the complainants, complaints and related information are now being posted and will continue to be posted going forward. In addition, I have asked the Administrator to include the establishment of a procedure for posting information on the website as an item on the agenda for the next Committee meeting.

I can assure you that your concerns and the complaints of the citizens of New Hampshire are very important and will continue to be carefully considered.

Sincerely,



Dianne Martin
SEC Chairwoman

Attachments

Cc: Robert R. Scott, Vice-Chair Site Evaluation Committee and Commissioner DES
Pamela Monroe, Administrator Site Evaluation Committee