

STATE OF NEW HAMPSHIRE

Inter-Department Communication

DATE: July 7, 2015
AT (OFFICE): Site Evaluation Committee

FROM: David K. Wiesner, NHPUC Staff Attorney

SUBJECT: SEC Rulemaking Docket No. 2014-04
Stakeholder Technical Session June 29, 2015

TO: Martin P. Honigberg, Chairman
Site Evaluation Committee

On June 29, 2015, I served as facilitator of the Stakeholder Technical Session regarding the Site Evaluation Committee rulemaking initiative. The session convened at 9:10 a.m. and concluded by 1:15 p.m. Attendees included representatives of citizens groups, environmental organizations, non-profit entities, state agencies, and project developers, as well as two professional acousticians and the Mason County, Michigan Zoning and Building Director, who was invited to participate by telephone by a local stakeholder.

Consistent with the notice issued on June 10, 2015, the technical session focused on the following agenda items:

1. Wind energy facility safety setback requirements;
2. Wind energy facility noise limit (three minutes per hour exceedance);
3. Wind energy facility shadow flicker limits;
4. Historical resources evaluation (consistency with NHPA); and
5. Other relevant technical standard or specification issues.

The first three of these issues were identified by Committee members during the April 15, 2015 deliberative session as being appropriate matters for further stakeholder consideration through a technical session. The fourth issue involves comments that have not yet been addressed by the Committee in its deliberations.

Technical session participants engaged in vigorous and wide-ranging discussion of wind energy facility shadow flicker limits and safety setback requirements, but did not achieve consensus regarding any changes to the applicable standards set forth in the current proposed rules amendments.

With respect to the issue of wind energy facility sound standards siting criteria, the stakeholders reached consensus as to three suggested changes to Section 301.14(f)(2)a of the proposed rules amendments:

- (i) deletion of the language at the end of the section reading “and these sound levels shall not be exceeded for more than 3 minutes within any 60 minute period;”
- (ii) deletion of the language reading “measured at the exterior wall” and substitution of language based on and/or referencing the applicable ANSI standard that generally calls for microphone placement at least 7.5 meters (approximately 24.6 feet) from any surface where reflections may influence measured sound pressure levels (e.g., a building exterior wall); and
- (iii) replacement of the word “ambient” in this section (and elsewhere in the rules) with the word “background,” with reference to the L-90 measured sound level, consistent with applicable ANSI standards.

The technical session concluded with a brief discussion of the review process for historical resource impacts of proposed projects, with a focus on the comments filed by the National Trust for Historic Preservation and the New Hampshire Preservation Alliance recommending that the SEC rules be aligned to a greater extent with applicable federal statutes and regulations. Representatives of the NHPA and the Division of Historical Resources made brief presentations and addressed questions from other attendees.

I noted that these issues had not yet been addressed by the Committee, but expressed appreciation for the clarifying explanations provided.