



April 2, 2021

**VIA ELECTRONIC MAIL**

Ms. Dianne Martin, Chairperson  
c/o New Hampshire Site Evaluation Committee  
21 South Fruit Street, Suite 10  
Concord, NH 03301

**RE: DOCKET NO. 2015-02, ANTRIM WIND SOUND MONITORING**

Dear Chairperson Martin and Committee Members:

Thank you for the opportunity to speak at the SEC meeting on Thursday, March 25. I am encouraged that convening a subcommittee will facilitate implementing the original intent for the rules. The Committee should include public input on this matter.

To add support for my testimony, I would like to address three important points that appear to have been forgotten or misunderstood from the many written filings in the record.

- 1) The SEC already has an established wind turbine noise standard based on an “absolute, not-to-exceed” (Lmax) limit. This standard was required for the Lempster Wind, Groton Wind, and Antrim Wind (2012) facilities.<sup>1</sup> Further, the Committee has deliberated extensively over the question of long-term noise averaging and ruled that the Lmax standard was more protective.<sup>2</sup> The SEC’s former Lmax standard and its current not-to-exceed standard based on 1/8<sup>th</sup> second are functionally identical.
- 2) Mr. O’Neal’s complaint that I am confusing the “response speed of the detector in a sound level meter” with the period for assessing compliance is false! The SB99 Health and Safety stakeholder group fully understood the difference and deliberately selected the “fast” meter response (1/8<sup>th</sup> second or better) as the time period for compliance because “fast” response approximates human hearing. The intent was to ensure that reported measurements mirrored turbine sound levels as neighbors would hear them.

Antrim Wind’s consultants, RSG, Inc. and Epsilon Associates, Inc., have stated that the fluctuating noise levels produced by wind turbines are “about 6 dB to 11 dB” louder when using an Lmax metric than those based on 1-hour averaging.<sup>3</sup> Antrim Wind must use one-

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<sup>1</sup> The maximum limit in decibels differed in Lempster, Groton and in Antrim Wind (2012).

<sup>2</sup> See *Transcript Docket 2012-01, Morning Session*. February 07, 2013 \*10-14 (detailed deliberations of the SEC in deciding to impose existing SEC precedence (Lmax) instead of long-term averaging). <https://www.nhsec.nh.gov/projects/2012-01/documents/130207minutes201201am.pdf>

<sup>3</sup> See *Exhibit A of Linowes Letter*. March 24, 2021. (stating “The MassCEC study, depending on what table is viewed and other post-construction measurements, ranges LFmax values from about 6 dB to 11 dB greater than the Leq” where “F” identifies the response time: Fast.).

hour averaging in order to show compliance. In doing so, they are able to report a lower averaged sound level to the SEC while neighbors suffer repeated adverse noise exceedances.

3) Finally, public member Duprey's complaint that my March 24<sup>th</sup> letter did not respond point-for-point to Antrim Wind's technical memos is unfair and I believe misplaced. Many of Antrim's arguments were the same as those previously filed with Administrator Monroe and to which I've already responded.<sup>4</sup> Further, my letter directly addresses Antrim Wind's primary complaint that short timeframes for evaluating compliance are "unreasonable." As stated in my March 24 letter, this exact complaint was the subject of a federal court case where the judge ruled that short timeframes for wind turbine noise compliance *are reasonable*.<sup>5</sup> Antrim Wind is trying to re-litigate the question of reasonableness hoping for a different outcome. The Committee should not waste its time nor the public's time on already legally settled matters.

In closing, the purpose of the SEC sound standard is to protect neighbors from excessive noise and adverse health impacts from a permitted facility. Antrim Wind is attempting to force fit one-hour averaging into the SEC rules where no such consideration exists anywhere in the SEC record. The dispute before the Committee is whether the standard should be based on the 1/8<sup>th</sup> second metric per Rule or increased to one-hour averaging. The Committee should uphold its own precedence as established in prior wind dockets and rulemaking and support the protective standard New Hampshire residents were promised and expect.

Thank you for the opportunity to comment on this important matter.

Respectfully,



Lisa Linowes  
for The Windaction Group

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<sup>4</sup> See *Linowes correspondence on 2/25/2020, 3/20/2020, 3/24/2020, 3/27/2020, 5/21/2020, 8/18/2020 and 9/23/2020.*

<sup>5</sup> See *Tuscola Wind III v. Almer Charter Twp.*, 2017 U.S. Dist. LEXIS 182278 (decided November 3, 2017). [https://www.govinfo.gov/content/pkg/USCOURTS-mied-1\\_17-cv-10497/pdf/USCOURTS-mied-1\\_17-cv-10497-1.pdf](https://www.govinfo.gov/content/pkg/USCOURTS-mied-1_17-cv-10497/pdf/USCOURTS-mied-1_17-cv-10497-1.pdf). Also See *Lisa Linowes, Janice Longgood, and Barbara Berwick's Reply To Antrim Wind Energy, LLC's Objection To Motion For Rehearing \*8* (February 22, 2021) (stating "Rule Site 301.18(e)(6) is the only point in the NHSEC rules where an interval is ascribed for Leq, and, therefore, reading the rules as a whole and in a manner consistent with one another, the Leq standard referenced in Rule Site 301.18(g) must utilize the 0.125 second-interval expressed for Leq metrics in Rule Site 301.18(e)(6).")