Committee Discussion
1.5.16

Vermont Legislative Council

Catherine Craig

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MEMORANDUM

To: Rep. Tony Klein

From: Catherine Craig, Law Clerk

Date: December 11, 2015

Subject: DR 16-328; wind turbine noise complaints

As requested, enclosed are the statistics on noise complaints made in Vermont. In addition, a memo from Aaron Kisicki at the Department of Public Service, details the avenues for filing an official noise complaint against wind turbines.

Please do not hesitate to contact me for further information, or with questions. My extension is 2454.

Catherine Craig

From: Copans, Jon <Jon.Copans@vermont.gov>
Sent: Thursday, December 10, 2015 8:55 AM
To: Catherine Craig
Cc: Aaron Adler; Recchia, Chris
Subject: Response regarding wind complaints
Attachments: 2015 12 04 - Wind Complaint Resolution Memo.docx

Hi Catherine,

See the attached memo regarding wind sound complaints, and pasted below a table of both the number of complaints and the number of households making those complaints, broken down by wind project. Please let me know if you have any follow-up questions on this.

Wind project sound complaints logged by the Public Service Department, Oct. 1, 2012 through Nov. 30, 2015.

Project	# of individuals or families filing a complaint	# of total complaints
GMCW (Georgia Mtn Community Wind)	4	77
Kingdom Community Wind (Lowell Wind)	44*	273**
NM-1646 (GMP's smaller wind turbine in Vergennes)	1	12
Sheffield Wind	4	110***
Totals	53	472

*includes 26 families/people from the petition filed on 11/5/12 (see below)
**26 of these complaints were filed in a petition submitted by the Nelson family on 11/5/12
***104 of these complaints were filed by one family

Thanks,

Jon

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Memorandum

To: Jon Copans

From: Aaron Kisicki

Date: December 4, 2015

Re: Wind Project Noise Complaint Resolution Protocols

The following memo outlines in general terms the noise complaint resolution protocols and procedures in place for the three major commercial wind facilities in northern Vermont: the Sheffield Wind Project ("Sheffield")(PSB Docket 7156) in Sheffield; Kingdom Community Wind ("KCW")(PSB Docket 7628) in Lowell; and Georgia Mountain Community Wind ("GMCW")(PSB Docket 7508) in Georgia. The wind facility in Searsburg is not included in this memo as the Department has not handled any complaints related to it.

Two different sound limits are used between the three facilities, and the differences in the applicable limits impact each project's respective complaint resolution protocol. Sheffield is subject to a 30 dBA(indoor)(Leq)(1hr) limit exclusively, while KCW and GMCW are required to operate at or below 45 dBA(exterior)(Leq)(1hr) or 30 dBA(interior bedrooms)(Leq)(1hr).

Each of the three facilities submitted, and the Public Service Board ("PSB") approved, post-construction sound monitoring protocols ("Monitoring Plan") as a condition of their respective certificates of public good ("CPG"). Each of these Monitoring Plans include a complaint resolution protocol that generally outlines the steps a project owner-operator is required to take in response to a noise complaint. The Sheffield Monitoring Plan was developed by Hessler Associates, and the KCW and GMCW Monitoring Plans were developed by RSG, Inc.

Generally, all three complaint resolution protocols assume that a complainant contacts the owner-operator directly, typically via an 800 number posted on the project website or provided to host and surrounding community town clerk offices, and the protocols specify that the owner-operator must respond to any complaint it receives within 1-2 business days. The protocols limit owner-operator investigation into a limited group of potential complainants: 1) locations within a specified proximity to the project – e.g. 1.5 miles from the nearest turbine at Sheffield and KCW and 1.5 kilometers at GMCW – and 2) locations where modeled sound levels extrapolated from post-construction sound monitoring at specified receptor locations indicate that there is a likelihood that the modeled level is within a specified dBA of the CPG noise limit – e.g. within 5 dBA of the exterior limit at KCW and GMCW, and within 3 dBA of the indoor limit at Sheffield.

The additional investigation required by the Monitoring Plans once the specified proximity and dBA thresholds are met differs among facilities. KCW and GMCW allow for additional outdoor-to-indoor level reduction (aka attenuation) measurements at a complainant's home to determine whether an exceedance of the 30dBA(indoor) limit has occurred. A complainant must request such measurements at KCW. GMCW is required to affirmatively offer attenuation measurements to a complainant. In the case of Sheffield, additional exterior monitoring at the complainant location is called for, with attenuation values derived from the first-year post-construction compliance monitoring program applied to those exterior measurements to determine compliance with the 30dBA(indoor) limit.[1]

The Department has no direct involvement with complaint resolution under the terms of any of the Monitoring Plans. It is, however, generally apprised of complaints, typically through direct contact from the complainant or notice from the PSB. The PSB often solicits input from the Department for input in response to complaints it receives.

[1] The litigation regarding the Paul Brouha complaint at Sheffield pending before the Board is centered in large part on the veracity of the attenuation values Sheffield arrived at as a result of its post-construction sound monitoring program. In short, Mr. Brouha and the Department are questioning whether the attenuation values Sheffield applies to exterior measurements include a reasonable scope of indoor conditions – most notably attenuation values with windows partially or fully open.