

VCE COMMENTS ON TESTIMONY TO SENATE HEALTH & WELFARE COMMITTEE
WIND TURBINE NOISE COMPLAINT RESPONSE, April 7, 2016

1. Sheffield Noise Monitoring Plan May 2010 – Project operational Nov. 2011
<http://psb.vermont.gov/sites/psb/files/Sheffield%20Sound%20Monitoring%20Plan.pdf>
Substantive comments by Paul Brouha, all ignored.
2. Kingdom Wind Final Monitoring Protocol, April 2012 – Project operational Nov. 2012
<http://psb.vermont.gov/sites/psb/files/Final%20Noise%20Monitoring%20Plan.pdf>
3. Georgia Mountain Wind Sound Monitoring Protocol Jan. 2013 -- Project operational Jan. 2013
<http://psb.vermont.gov/sites/psb/files/GMCW%20%20Sound%20Monitoring%20Plan.pdf>
4. Deerfield Wind? Condition below. “Final” compliance filing has apparently been made, nothing on the noise monitoring protocol. More than 100 structures are within 1 mile. Request was made by intervenors for a hearing on noise because Iberdrola is using larger turbines with longer blades than approved in the CPG in 2009. PSB denied hearing.
 - a. 30. Deerfield shall submit to the Board for review and approval a noise monitoring plan to be implemented during the first full year of operation. The Plan shall establish a monitoring program to confirm under a variety of seasonal and climactic conditions compliance with the maximum allowable sound levels described above.

Developed after close of public hearings, beyond public scrutiny or presentation of contested, examined, and informed views. Each case had numerous post-CPG compliance filings which came often at the same time with others, with only two weeks to comment in most cases.

June Tierney, PSB, Sarah Hofmann, attorney

- Did not present the details of the approved sound monitoring protocol that requires C to complain to the wind company. The protocol does not lead to the PSB if the wind company says they are in compliance. They have two days to respond. Experience is that the typical response is we are in compliance, end of process. The protocols which are written by the wind company’s experts, provide the next step which is only available to people living within a specific distance chosen by the wind company’s noise expert. The next step varies depending on the project, but leads eventually to the offer of a test done by the wind company’s expert in the C’s bedroom.
- Affidavits. Never heard that before.
- Therrien complaints never responded to. Motion to Intervene filed 2014, denied mid-2014.
- Brouha complaint within a month of start-up in 2011. Finally taken up by Board end of 2015. PSB opened new docket which may lead to a fine payable to the general fund.

- McLanes complained numerous times, first PSB response more than 3 years. PSB opened a new docket which may lead to a fine payable to the general fund.
- Describe process outlined in protocol leading to test in bedroom.
- Lowell CPG violation, cost Nelsons more than \$200 in postage and printing to participate and provide testimony and evidence. Continuous monitoring which was requested by C to provide more immediate response has failed entirely, and appears to be used by GMP to show compliance, which was not the goal. The people VCE is aware of who have complained are still complaining, asking for relief, totally frustrated.

Robert Dostis, GMP

- Wasted our time giving us a public relations pitch.
- Has GMP turned over all its records of complaints to DPS?
- CPG requires C to complain only to GMP
- Will offer home sound monitoring, only within 1.5 miles. C outside is denied.
- Not aware of any sound monitoring being done at any C homes. Dostis said one home. Did that result in satisfaction? I believe he said that those people sold their home (probably at a loss) and new people moved in.
- Person C complains to has changed numerous times.
- Relationship to community, that may mean Lowell, but not Albany which is experiencing impacts
- Progression of complaints shows people have given up, not that the complaints have been satisfied
- People can call any time. However often the noise is in the night and the act of complaining at night disrupts sleep, along with the wind turbines disrupting sleep.
- The claim that they are responsive when people have issues is not accurate. We are aware of no Cs being resolved to satisfaction, except people have moved away or given up.
- When the 27 people complained, that backfired because GMP then called them all – sometimes three times – to tell them the protocol requires them to complain to GMP and not the PSB.

Dr. Harry Chen, Vermont Department of Health, David Englander, attorney

- Chart – final steps involve interview C. To my knowledge no C has ever been interviewed
- Aerocoustic – reference to ETSU – original noise standard that has led to all the problems globally
- Intrinsic and Aerocoustic are both aligned with wind energy interests. This was fully vetted and submitted to the PSB in its sound standard investigation docket. DPS continues to pay them and work with them despite their evident bias.
- Dr. Chen is referencing studies, many of which are the result of pro-wind political efforts to assure people are not being harmed by wind turbines.
- Annoyance is a term in medicine and has real health consequences.
- He is not addressing the complaint process. Okay, got there.

- The requirements for complaining he is talking about are not part of Vermont's protocol.
- 5 individuals, 11 individuals total. Were any interviewed by VDOH other than one person who spoke more than once with David Grass and that has not resulted in a satisfactory response?
- 24 hour anyone can call. But VDH has asked C not to complain to them, but to go to their doctor and have the doctor report to VDH, then when one doctor did so he was told the system was changed and they were no longer doing that.
- David Englander says there is a difference between health complaints and sound complaints to DPS. Health complaints go to environmental health staff. C has not been given any information regarding how they can directly complain to VDH about wind turbine noise and health issues
- Cause and effect relationship has not been investigated by VDH. They have not interviewed C, except one person who is still complaining about sleep deprivation and has not had complaints addressed.
- 5 doctors from Rutland went to VDH at end of Douglas administration with concerns about wind turbine noise and health issues, including the head of the Rutland Regional Medical Center sleep center. Dr. Chen did not speak at all about sleep deprivation.
- Dr. Michael Nissenbaum's study found increased use of medications around wind projects. Dr. Chen's response seems to be that people should just get medication if they are having health issues resulting from living near wind turbines.
- I am unclear what study Dr. Chen refers to. It does not involve interviewing C, as far as I know.

Jonathan Copans, DPS, Aaron Kisicki, attorney

- Noise experts are all pro-wind and have a record that VCE has vetted. We have no confidence in the expert work being done by these experts. We brought our concerns to the DPS and PSB and they continue to use them.
- Working within the PSB protocol, but VCE worked with DPS in 2012 to provide an alternative to the PSB protocol requiring C to complain to the wind company, and DPS agreed to take complaints via their CAPI program. We thought there was an agreement for the wind developers to also turn their complaint info over to DPS, but are not sure that is happening. The complaints to DPS went to CAPI, entered into a database, and resulted in nothing more. The first person at CAPI who took the complaints apparently left DPS and since has indicated frustration with the inability to do the job. Three people have been in that job. The current person taking complaints has also expressed sympathy (which can be seen in public records responding to the complaints) for Cs and feel disempowered to do anything. The complaints are not "addressed", they are logged.
- Complaints have resulted in investigations underway at the Board, as noted above, which took years to achieve and can result, at best, as far as we can tell, to a fine to the general fund.

- PSB investigations involve the wind company represented by counsel – Georgia Mountain and Sheffield Wind are both represented by Andy Raubvogel and Geoff Hand of Dunkiel Saunders. DPS is represented by counsel. C must pay legal counsel (as is the case with Paul Brouha who has spent hundreds of thousands of dollars to get to this point that there is an investigation before the Board) or participate pro se (as is the case with the Georgia Mountain wind investigation docket).
- Good question about asking how many people have gotten satisfaction. The answer is none.
- The continuous monitoring program has failed, as noted above, because despite many efforts to get real time monitoring which was denied, we ended up with something completely useless in terms of responding to C complaints.
- The sound experts we work with went so far as to meet with the DPS experts to try to help get something useful, and also worked with DPS but their efforts were not accepted. The track record of the experts DPS hired is that when the data finds problems, it takes a long time see those results. That was the experience at two sites in West Virginia and Maine. It has proven to be true in the case of the test done at the Brouha home in July 2014 which took 16 months for DPS to report to PSB, and it did find the project was in violation. VCE's comments on the experts
http://psb.vermont.gov/sites/psb/files/VCE_8167_CoverLetter_DPSSoundExperts_050514.pdf
http://psb.vermont.gov/sites/psb/files/VCE_8167_CommentSoundExperts_Enclosure_050514.pdf
- While the details of acoustics and sound monitoring get very technical, it is not that complicated. These are open air noise sources, they result in noise pollution. They defy traditional noise control solutions which involve insulating the source or insulating the receptor. Those solutions are not possible with open air noise pollution sources. The ethical noise experts we work with say that distance is the best response, or 35 dBA LMax.

Martha Staskus, VERA

- The use of the decibel app is not relevant and is misleading. Wind turbine noise is well documented to be more annoying at much lower decibel levels and have unique sound characteristics. It is a typical ploy of wind proponents to show people decibel levels, it was used by Iberdrola's noise expert on Tuesday night in Grafton.
- For C, wind energy is a lot about noise pollution which is also a component of clean air.
- GMW's response time has not been good, not timely.
- The suggestion that people are complaining who are not affected is typical of this particular operator's response to C, which is to blame them and make public statements saying people are just complainers.
- The statement about it being outside of influence of the project is the result of the noise monitoring protocol developed by the wind company's noise expert, which underestimates the extent of the problems. VCE has documented noise complaints 2

½ miles away from all three wind projects, and further with Lowell Wind, 5 miles and more.

- Yes, wind itself does make noise, but the profile of wind turbines is distinct. It is completely disingenuous and not accurate to claim that the wind is what people are hearing. People talk about hearing the turbines over their TV sets, they run fans, they have sleep disruption, they get headaches, they talk about a rumbling. This testimony exhibits one of the further problems which is that when C complains, they are then ridiculed, saying they are just hearing wind.
- Response time has been poor, except for that one instance recently. A C made on the day that Senator Brian Collamore visited was not responded to even though the turbines were icing, the noise was 50 to 60 dBA, and the request was to turn the turbines off so C could sleep. There was no immediate response, the turbines ran all night, C did not sleep, and the response within the 2 day requirement was the project was in compliance.
- The Department's response has not been rigorous. No satisfactory results have occurred. The Department's response has effectively avoided responding in a timely manner to complaints.
- Yes, this is a very personal issue. It affects people's homes, their quality of life, their ability to peacefully enjoy their home and surroundings. People cannot enjoy their outdoors, sit on their porches, garden, or sleep in their own beds without experiencing sleep disruption, and health issues cardiac issues, nausea, headaches and depression from having their complaints ignored year after year with no hope for relief.