

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Docket No. 7250

Amended Petition of Deerfield Wind, LLC, for a certificate)
of public good authorizing it to construct and operate a 15-)
turbine, 30 MW wind generation facility, and associated)
transmission and interconnection facilities, on)
approximately 80 acres in the Green Mountain National)
Forest, located in Searsburg and Readsboro, Vermont, with)
7 turbines to be placed on the east side of Route 8 on the)
same ridgeline as the existing GMP Searsburg wind facility)
(Eastern Project Area), and 8 turbines along the ridgeline to)
the west of Route 8 in the northwesterly orientation)
(Western Project Area)

**DEPARTMENT OF PUBLIC SERVICE COMMENTS ON SPRING SOUND
MONITORING REPORT AND MOTION FOR OINR TESTING**

The Department of Public Service (“Department”) herein provides comments on the spring 2019 sound monitoring report and the motion for outside-to-inside noise reduction testing, as directed in the October 16, 2019 order of the Public Utility Commission (“Commission”). The Department recommends that the Commission accept the conclusions in the spring 2019 sound monitoring report and grant Mr. Shea’s motion for outside-to-inside noise reduction testing.

I. Background

The Commission previously directed the Department to conduct a fall and a spring sound monitoring campaign, each for a period of two to five weeks and conducting monitoring at three locations.¹ The fall monitoring campaign was conducted from October 22 through November 26, 2018; the report was filed on January 7, 2019 (“Fall Monitoring Report”). The spring monitoring campaign was conducted from May 8 through June 12, 2019; the report was filed on

¹ *Amended Petition of Deerfield Wind, LLC*, Docket 7250, Order re: Sound Monitoring Plan, at 6, 13, 12/14/17.

August 14, 2019 (“Spring Monitoring Report”).² Both reports found project-only sound levels at the three sites—Sites A, B, and C—within allowable limits, *i.e.*, project-related sound levels were not found to exceed 45 dBA (exterior) or 30 dBA (interior).³ The data at all three sites for both monitoring periods satisfied the requirements of the sound monitoring protocol (“Protocol”), with one exception. The Fall Site C data set was short of that required: two hours of data was required, yet only 48 minutes were available that met the Protocol’s requirements.⁴

II. Spring Sound Monitoring Report

The Sound Monitoring Report found project-only sound levels within allowable limits at the three sites. Exterior sound levels are shown below:⁵

Table 5. Summary of A-weighted Exterior Sound Levels

Monitoring Site	“Turbine-on” Sound Level (Leq, dBA)	“Turbine-off” Sound Level (Leq, dBA)	“Turbine-only” Sound Level (Leq, dBA)	CPG Exterior Sound Level Limit (Leq, dBA)	Meets CPG Limit?
Site A	38	33	36	45	Yes
Site B	42	38	40	45	Yes
Site C	41	37	38	45	Yes

The Department recommends that the Commission accept these results and find that the Department has complied with the Commission’s December 14, 2017 order.⁶

² On October 23, 2019, the Department filed a revised Fall Monitoring Report and revised appendices H & I to the Spring Monitoring Report. The revisions were minor and did not affect the Reports’ conclusions.

³ *Amended Petition of Deerfield Wind, LLC*, Docket 7250, Deerfield Wind - the Fall 2018 Sound Monitoring Compliance Report, at Section 4.2.1, p. 18 (PDF p. 22); Section 4.3, pp. 27-28 (PDF pp. 31-32)(filed 1/7/2019, revised 10/23/19) (“Fall Monitoring Report”); Deerfield Wind - the Spring 2019 Sound Monitoring Compliance Report, at Section 4.2.1, p. 26 (PDF p. 31); Section 4.3, p. 35 (PDF p. 40) (filed 8/14/19; revised 10/11/19) (“Spring Monitoring Report”).

⁴ Fall Monitoring Report at Section 4.2.4, p. 26 (PDF p. 30).

⁵ Spring Monitoring Report at Section 4.2.1, p. 26 (PDF p. 31).

⁶ *Amended Petition of Deerfield Wind, LLC*, Docket 7250, Order of 12/14/17 at 6.

III. Mr. Shea's Motion for Outside-to-Inside Noise Reduction Testing

On March 18, 2019, landowner Tom Shea filed a motion for outside-to-inside noise reduction ("OINR") testing. The Site C monitoring location is on Mr. Shea's property. OINR testing is available under the Protocol where post-construction sound monitoring shows, "Deerfield Project sound levels of 40 dBA (Leq)(1 hr) or higher at the location."⁷ Deerfield Wind, LLC ("Deerfield") shall offer OINR testing to homeowners who meet this criterion "based upon the first year of post-construction monitoring."⁸ The results of the Fall Monitoring Report found a 41 dBA turbine-only sound level at Site C, based on 48 minutes of data.⁹

The Department has supported Mr. Shea's motion. Deerfield has opposed the motion. Deerfield and the Department have disagreed on the method for calculating the one-hour Leq. Deerfield argued the applicable noise testing standard is ANSI S12.9 Part 3, and that this standard requires that the one-hour Leq be based on at least 30 minutes of data obtained during a single shutdown.¹⁰ The Department argued that—while the Protocol makes no reference to an applicable standard—the more relevant standard is ANSI S12.9 Part 2, and that under either standard, minutes from different shutdowns could be combined to form the one-hour Leq.¹¹

In its April 25, 2019 order, the Commission delayed a decision on Mr. Shea's motion until the spring 2019 sound monitoring results could be incorporated into the decision. The

⁷ Fall Monitoring Report, Appendix A, Section 2.5, p. 6 (PDF p. 41).

⁸ *Id.*

⁹ Fall Monitoring Report at Section 4.2.4., p. 26 (PDF p. 30).

¹⁰ *Amended Petition of Deerfield Wind, LLC*, Docket 7250, Deerfield Wind, LLC Response to Shea Request for OINR Testing, Attachment 1, at 1, n. 2 (filed April 4, 2019).

¹¹ *Amended Petition of Deerfield Wind, LLC*, Docket 7250, Department of Public Service Response at 2, (filed April 18, 2019).

Spring Monitoring Report found project-only sound levels at Site C of 38 dBA, using the Department's methodology.¹²

The Department recommends that the Commission grant Mr. Shea's motion because the best available data for one of the two sound monitoring campaigns found sound levels of 40 dBA or higher. The Department acknowledges that the 48 minutes of data is short of the 60 minutes required under the Protocol for OINR testing, and that spring sound levels at Site C are below 40 dBA. The Protocol is also unclear on whether sound levels must be 40 dBA or higher for both monitoring campaigns, or if only one campaign is sufficient. The Department and Deerfield also disagree on the methodology for calculating the one-hour Leq.

Dated at Montpelier, Vermont, this 15th day of November, 2019.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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¹² Spring Monitoring Report at 34 (PDF p. 39).