

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 7250

Amended Petition of Deerfield Wind, LLC, for a certificate of public good authorizing it to construct and operate a 1S-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)

VERMONT DEPARTMENT OF PUBLIC SERVICE REPLY COMMENTS

On January 12, 2021, the Vermont Department of Public Service (“Department”) filed its Deerfield Wind Fall 2020 Sound Monitoring Compliance Report (“Report”) in the above-referenced proceeding.¹ The sound monitoring and resulting Report was prepared by the Department’s retained acoustics consultants, Cross Spectrum Acoustics, Inc (“CSA”). The purpose of the Fall 2020 sound monitoring period was to determine if Site C is eligible for outdoor-indoor noise reduction testing, which is required under the Sound Monitoring Protocol (“Protocol”) if post-construction noise monitoring “shows Deerfield Project sound levels of 40 dBA (L_{eq})(1 hr) or higher at that location.”² As approved by the Vermont Public Utility Commission (“Commission”), CSA reported the results of the Fall 2020 sound monitoring period in two ways: “(1) following the procedure utilized in both the Fall 2018 and Spring 2019

¹ Docket 7250, Deerfield Wind – Fall 2020 Sound Monitoring Compliance Report of 1/11/21.

² Amended Petition of Deerfield Wind, Docket 7250, Order of 6/26/20, at 1; Docket 7250, Final Sound Monitoring Protocol of Deerfield Wind, Section 2.5 “Outside to Inside Test,” at 6. The Protocol outlines the controlling noise standards for the Deerfield Wind Project. See Docket 7250, Final Sound Monitoring Protocol for Deerfield Wind of 1/16/18.

Monitoring Reports (i.e., combining data samples associated with different shut-downs, including over multiple days) and (2) reporting only data samples contained within a single one-hour period before or after each shut-down.”³ In sum, the Report concluded that, for the Fall 2020 sound monitoring period, the noise associated with the Deerfield Wind Project (“Project”) located in Searsburg and Readsboro, Vermont measured 39 dBA (L_{eq})(1 hr).⁴

I. Response to Deerfield Wind, LLC’s Comments

On March 15, 2021, Deerfield Wind, LLC (“Deerfield”) filed comments on the Report. Overall, Deerfield concluded, through its sound consultant RSG, that CSA’s sound monitoring and resulting Report was “done consistent with the PUC-approved...Protocol.”⁵ Though not imperative to RSG’s ultimate conclusion that CSA’s sound monitoring complied with the Protocol, RSG provided that “CSA [excluded] wind gusts greater than 5 m/s, [making] this...the first season of monitoring that fully follows the Protocol....”⁶ However, the Department notes that CSA excluded all wind gusts greater than 5 m/s beginning in 2019, including Spring 2019 and Fall 2020. Thus, the Fall 2020 sound monitoring period is not the first period of sound monitoring that fully complied with the Protocol.

Next, RSG comments on CSA’s application of an uncertainty analysis, a request made by the Commission for this most recent round of sound monitoring.⁷ Specifically, the Commission requested that CSA “include an explanation of what uncertainty factor, if any, is applied to the data.”⁸ In its Report, CSA notes that the Protocol does not provide the addition of an uncertainty factor as a requirement for determining sound levels associated with the Project. Hence, CSA

³ Amended Petition of Deerfield Wind, Docket 7250, Order of 6/26/20, at 8; Docket 7250, Department of Public Service Request for Clarification of 2/20/20, at 4.

⁴ Docket 7250, Deerfield Wind – Fall 2020 Sound Monitoring Compliance Report of 1/11/21, at 2.

⁵ Docket 7250, Deerfield Wind, LLC Comments of 3/15/21, at 4.

⁶ Id.

⁷ Amended Petition of Deerfield Wind, Docket 7250, Order of 6/26/20, at 8.

⁸ Id.

consulted the American National Standards Institute (“ANSI”) Standards, S12.9, “Quantities and Procedures for Description and Measurement of Environmental Sound” Parts 2 and 3 for guidance. Using Part 2 of the ANSI Standards, CSA concluded that the Project resulted in a highest or worst-case sound level of 39 dBA (L_{eq})(1 hr).⁹ Using Part 3 of the ANSI Standards, CSA concluded that Project sound levels, including uncertainty factors, ranged from 36 dBA (L_{eq})(1 hr) to 40 dBA (L_{eq})(1 hr).¹⁰

RSG comments that, while it agrees with CSA’s analysis under Part 2, it found that for the uncertainty factor analysis under Part 3, “CSA subtracted background sound levels using only the overall A-weighted sound level rather than the 1/3 octave bands,” and that the latter is required for compliance with Part 3 of the ANSI Standard.¹¹ However, RSG also notes that the application of the ANSI Standards goes beyond the Protocol and is not necessary for determining Project compliance with necessary sound levels.¹² In regard to RSG’s review of CSA’s Part 3 analysis, the ANSI Standard states that “[i]f the measurements are of just A-, C-, or Z-weighted values” then corrections “shall be applied to the weighted level selected for the measurement.”¹³ Because the overall purpose of the measurement was to obtain A-weighted sound level data for comparison to the Project’s A-weighted sound level limits, use of A-weighted values is most appropriate for the calculation of uncertainty factors. Nevertheless, the Department agrees with RSG’s ultimate conclusion that the ANSI Standards—including use of said standards for uncertainty factors—are not necessary for determining Project compliance with the sound levels approved by the Commission in the Protocol.

⁹ Docket 7250, Deerfield Wind – Fall 2020 Sound Monitoring Compliance Report of 1/11/21, at 22-23.

¹⁰ Id. at 23-24.

¹¹ Docket 7250, Deerfield Wind, LLC Comments of 3/15/21, at 4.

¹² Id.

¹³ ANSI/ASA S12.9-2013/Part 3, “Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present,” Sec. 6.9(c).

II. Response to the Windaction Group and Tom Shea's Comments

On March 16, 2021, the Windaction Group and Tom Shea (“Windaction-Shea”) filed comments on the Report. Windaction-Shea comments that CSA “produced data consistent with the [Protocol],” and that the data collected “met the Commission’s guidance” for procuring valid data.¹⁴ Windaction-Shea does not dispute that the sound monitoring data contained in the Report meets the standards set by the Protocol, which sets the controlling noise standards for this proceeding.¹⁵ Windaction-Shea does, however, focus on the ANSI Standards, which are not applicable for purposes of determining noise compliance under the Protocol and were only consulted as a means to provide guidance and address the Commission’s question regarding uncertainty factors.¹⁶ Therefore, the Department provides no comment regarding Windaction-Shea’s focus on the ANSI Standards. In the Report, CSA makes no claim to have applied the ANSI Standards in its analysis of the noise levels. Again, CSA only referred to the ANSI Standards when discussing uncertainty factors, which (1) are not necessary under the Protocol, and (2) were only consulted as a means to respond to a Commission inquiry.¹⁷

Thank you for the opportunity to comment on this matter. Please contact me with any questions.

Dated at Montpelier, Vermont this 14th day of April, 2021.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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¹⁴ Docket 7250, Windaction-Shea Comments of 3/16/21, at 1-2.

¹⁵ See id.; Docket 7250, Final Sound Monitoring Protocol for Deerfield Wind of 1/16/18.

¹⁶ Docket 7250, Windaction-Shea Comments of 3/16/21, at 2-5; Docket 7250, Deerfield Wind – Fall 2020 Sound Monitoring Compliance Report of 1/11/21, at 2, 22-24.

¹⁷ See Docket 7250, Deerfield Wind – Fall 2020 Sound Monitoring Compliance Report of 1/11/21, at 2, 22-24.