

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7156

Petition of UPC Vermont Wind, LLC, for a Certificate of)
Public Good, pursuant to 30 V.S.A. § 248, authorizing the)
construction and operation of a 52 MW wind electric)
generation facility, consisting of 26 wind turbines, and)
associated transmission and interconnection facilities, in)
Sheffield and Sutton, Vermont)

Order entered: 5/1/2013

ORDER RE MOTION FOR RELIEF

On February 7, 2013, Paul Brouha filed a letter with the Public Service Board ("Board") requesting that the Board require Vermont Wind, LLC ("Vermont Wind")¹ to provide the "backup data" used to create the noise monitoring information contained in the quarterly noise monitoring reports.²

On March 6, 2013, Mr. Brouha filed a motion with the Board requesting that (1) the Board require Vermont Wind to conduct noise monitoring at his residence, including outside to inside noise level reduction with windows closed and open, and (2) that the Board require Vermont Wind to disclose noise monitoring information collected at noise monitoring location SM-3. In this Order, we deny Mr. Brouha's motion.

On March 14, 2013, Vermont Wind filed a letter in response to Mr. Brouha's February 7 and March 6 letters. In its response, Vermont Wind states that it has provided the backup data requested by Mr. Brouha. Vermont Wind also maintains that the extrapolated project related sound levels at the Brouha residence are well within the limits in the Noise Monitoring Plan established in this Docket and that, therefore, no additional noise testing is required.

1. On August 20, 2008, UPC Vermont Wind, LLC filed a letter with the Board stating that it had changed its name to Vermont Wind, LLC.

2. Brouha letter, dated February 4, 2013, at 1.

On March 25, 2013, Mr. Brouha filed a letter with the Board requesting that the Board require Vermont Wind to provide additional backup data related to the quarterly noise monitoring reports.

On March 27, 2013, the Vermont Department of Public Service ("Department") filed a letter with the Board in response to Mr. Brouha's February 7 and March 6 letters. The Department states that, based upon a representation from Vermont Wind, Mr. Brouha has received the requested backup data. The Department also states with respect to Mr. Brouha's request for noise monitoring at his residence, that "it is unclear as to whether the request is appropriate."³

On March 29, 2013, Vermont Wind filed a letter with the Board in response to Mr. Brouha's March 25 letter, stating that it would provide the additional information requested by Mr. Brouha within two weeks.

On April 3, 2013, Mr. Brouha filed a letter with the Board requesting that the Board require Vermont Wind to conduct outside-to-inside noise measurements with windows open at all test sites, and at his residence.

On April 17, 2013, Vermont Wind filed a letter in response to Mr. Brouha's April 3 letter. Vermont Wind maintains that, because its noise level measurements are in compliance with the requirements of the Noise Monitoring Plan, additional noise level measurements are unnecessary.

On April 17, 2013, the Department filed a letter in response to Mr. Brouha's April 3 letter. The Department argues that the Noise Monitoring Plan "does not provide a basis for the Board to order the outside-to-inside monitoring that Mr. Brouha seeks. However, the Department suggests that Vermont Wind consider voluntarily conducting this type of testing in the future.

Discussion

The revised Noise Monitoring Plan adopted by the Board in this Docket provides at § 3.4 that:

[d]uring the first quarterly survey, the outside to inside level reduction (OILR) of the structures at each of the four test positions will be tested using the procedures detailed in ASTM E966-04 Standard Guide for Field Measurement of Airborne Sound Insulation of Building Facades and Facade Elements (2004). In general,

3. Department comments filed March 27, 2013, at 1.

this test involves using a loudspeaker directed in a defined manner towards the exterior of the house (on the side facing the Project in this case) to generate a broadband source signal. Measurements are then taken outside and inside the structure and used to determine the noise reduction of the building.

Further, with respect to complaint monitoring, § 4.0 provides that:

In the event that a complaint is received . . . Vermont Wind will investigate the complaint and evaluate compliance with the CPG noise limit if, based on the results of the quarterly tests . . . there appears to be a reasonable possibility the complaint location is 3 dBA of the CPG noise limit at the complaint location; i.e., the complaint location is within 1.5 miles of the nearest turbine. The A-weighted sound level from the closest monitoring location . . . shall be extrapolated to the complaint location . . .

The section goes on to describe in detail the extrapolation methodology to be used in this situation.

In this case, Vermont Wind, in response to prior complaints made by Mr. Brouha, extrapolated the project-related sound levels at Mr. Brouha's residence, pursuant to § 4.0, based on the first quarterly monitoring report, and conveyed these results to Mr. Bouha in March 2012.⁴ Those results indicate that the project related sound level at his residence was 18 dBA Leq, which is 12 dBA less than the CPG's noise limit of 30 dBA (interior). Vermont Wind also recently performed the extrapolation using all four quarterly monitoring reports and found that the extrapolated sound levels were between 8 and 20 dBA and still well below the CPG noise limit.⁵

Accordingly, we conclude that Vermont Wind has, to date, complied with the requirements contained in the Noise Monitoring Plan. In addition, Vermont Wind has voluntarily provided Mr. Brouha with the additional data he requested regarding the sound level testing that is not required under the Noise Monitoring Plan. Mr. Brouha has not provided any basis for the Board to determine that Vermont Wind has failed to comply with the conditions of the Noise Monitoring Plan. Therefore, Mr. Brouha's motion is denied.

4. Vermont Wind March 14 comments at 1-2.

5. *Id.* at 2.

SO ORDERED.

Dated at Montpelier, Vermont, this 1st day of May, 2013.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: May 1, 2013

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)