

June 23, 2016

Vermont Public Service Board
112 State Street
Montpelier, VT 05620

Re: Temporary sound level standards for wind generation projects

Dear Members of the Vermont Public Service Board,

Concerning the implementation of temporary sound standards for industrial wind turbines I ask the Public Service Board to consider that this direction for rule-making on this issue is to address the health and well-being of all those who are, and could be, affected by the audible, and inaudible (infrasonic) emissions of industrial wind turbines. Those so affected are individual residents who by law are entitled to their right to live peacefully and to enjoy the property in which they may have invested a life's savings. These individuals do not stand to profit financially from the implementation of a sound standard for industrial wind turbines, they only stand to maintain their health and enjoyment of their property.

Those who profit from the development and operation of industrial wind turbines present a conflict of interest when their input on the implementation of a sound standard, which may affect profit margins, is allowed into the rule-making decision. Such a conflict of interest must be addressed by those whose actions are directed to be for the good of the public. By failing to address this conflict the Board would be derelict in its responsibilities.

In the making of this sound standard scientific recommendations can, and likely will be presented by members of the public. These should be addressed on their merits. However, documentation and data supplied by those with a conflict of interest, such as industrial wind developers, paid industry lobbyists, and legal firms representing the industry should be considered biased in the extreme and that input should be set aside.

There is precedent for the Public Service Board to exclude certain classes of people in the decision making process of the PSB. Example:

PSB Docket #5823; Petition of Green Mountain Power Corporation for a Certificate of Public Good for authority to construct a 6MW wind generation facility and associated line extensions in Searsburg, VT. Page 25, item #128:

Excerpt: "While some individuals who live close to the proposed project may find the proposed project offensive, they are not representative of the "average person" because of their personal interest in the area and their opposition to change."

This perspective, provided by consultants hired by Green Mountain Power, owners of the Searsburg and Lowell Projects, has been adopted as policy by the Public Service Board and used to disqualify those most affected, and harmed, by industrial wind projects from intervening in the CPG process on the grounds of aesthetics. Refusal to allow the intervention of those most affected by an industrial wind project defies the intent of Act 250, rulings by the PSB and a ruling by the Vermont Supreme Court (see references below).

In this instance of rule-making for an industrial wind sound standard it must be seen that those who stand to gain financially from maintaining a high sound standard do not represent the interests of the public who seek protection from the unregulated affects of industrial noise and sound emissions. The developers and their representatives claim that they will be financially harmed by a lower sound standard, while members of the public living in close proximity to these projects will be physically harmed and lose the enjoyment of their homes.

The citizens of Vermont are the public and are the first priority of the Public Service Board. Special interests are obliged to accept a lesser priority. In the rulemaking for a sound standard for industrial wind projects the will and input of the people of Vermont, members of the general public, average citizens must be the sole consideration in this decision of the Public Service Board. All industry input and commentary must be set aside.

Respectfully,

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References:

In 1986, 1992, 2001, 2005 The Environmental Board found Act 250 Criterion #8 was intended to ensure that as development does occur, reasonable consideration will be given to the visual impacts on neighboring landowners, the local community, and on the special scenic resources of Vermont. In this case we conclude that the project was designed with virtually no consideration for the visual impact on the neighbors.

#2S0351-8-EB, 1986, #4C0841-EB, 1992, #4C1068- EB,
2001, #3W0839-2-EB, 2005

In 2001, the PSB found: "Because I find the Project will be in the direct view of The Rimmoneaus from their home and will significantly diminish their enjoyment of the scenic view from their home, I conclude that the Project will be offensive and shocking to them and to the average person in a similar situation.

PSB In re Petition of Hanlon Docket #NM-25, Order dated 3/15/2001, pp. 17-18

In 2002, the Vermont Supreme Court upheld the PSB's 2001 decision based on this conclusion and the conclusion that the turbine would offend the sensibilities Of the average person faced with a situation similar to the Rimmoneaus', the Board accepted the hearing officer's conclusion that the project failed the two-part Quechee test and would, therefore, have an undue adverse effect upon the aesthetic and scenic and natural beauty of the area.

In re Petition of Tom Hanlon, 174 Vt. 514, 811 A.2d 161 (Vt. 2002)