

LAW OFFICE OF GARY A. ABRAHAM

170 No. Second Street
Allegany, New York 14706
716-372-1913; fax is same (please call first)

gabraham44@eznet.net
www.garyabraham.com

January 9, 2013

Frank DeFiore, Planning Board Chair
Town of Allegany Town Hall
52 West Main Street
Allegany, NY 14706

Re: new information relevant to the Everpower project proposal

Dear Frank:

Please accept for review the following attachments, which constitute new information relevant to the Everpower project not previously available:

1. Clean Wisconsin, "A Cooperative Measurement Survey and Analysis of Low Frequency and Infrasound at the Shirley Wind Farm in Brown County, Wisconsin," December 24, 2012.
2. Maria Amante, "Jacque: Study finds 'dangerous levels' of noise from turbines: State legislator calls for end to permitting of wind projects," Green Bay Press-Gazette, January 3, 2013 (reporting on the Clean Wisconsin report).

At the request of the Wisconsin Public Service Commission, four acoustic experts measured inaudible low frequency sound and infrasound over a 3-day period in the Town of Glenmore's Shirley Wind project in southern Brown County, Wisconsin, in early December 2012. As noted on page 2 of the report, "all of the [experts'] firms are pro-wind if proper siting limits for noise are considered in the project design."

The measurements were consistent with complaints reported by residents of three homes that had been vacated since the project became operational two years ago. One of the experts got sick himself as a result of exposure to the noise and reported that it took him a week to feel right when he returned to Maine.

The report is notable because among the four acoustic experts are Paul Schomer, whose analysis of wind project noise elsewhere was previously submitted to you with CCCC comments, and David Hessler, who performed the noise assessments for Everpower. Of particular note is Mr. Hessler's recommendation that, in order to avoid adverse health impacts from low frequency sound (which he acknowledges is a problem), "the long-term-average

(2 week sample) design goal for sound emissions attributable to the array of wind turbines, exclusive of the background ambient, at all non-participating residences shall be 39.5 dBA or less." *See* attachment, p. 8. Dr. Schomer recommends 33.5 dBA or less. *Id.*

These compliance goals are substantially lower than the 45 dBA previously adopted by the Planning Board. Importantly, the 45 dBA compliance goal was adopted by the Board without considering a study of low frequency sound effects on residents, since at the time Mr. Hessler's opinion was that wind projects do not emit low frequency sound, and the board relied on that opinion. Should the Everpower project go forward, we urge the Board to consider the recommendations of the attached study.

Sincerely,


Gary A. Abraham

gaa/encs.

cc: Rick Kavanagh
Helen Larson
Pete Hellier
John Sayegh
Carol Horowitz (via email)