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July 26, 2012

John Hare, Town Supervisor
Town of Allegany
52 West Main St.
Allegany, NY 14706 --via email to: jhare@townofallegany.com

Re: Height limits for wind turbines

Dear John:

On behalf of CCCC, and in advance of a public hearing on the Town Board's proposal to change the local law to limit wind turbine height, I would like to share some information on this question from Nordex, a wind turbine manufacturer on which Everpower has said it will rely.

Enclosed are print-outs from the Nordex website that show that the company has available a variety of turbine types and tower types several of which, in combination, can meet the proposed turbine height limit. For example, the N117 turbine model has a rotor diameter of 117 meters (383.9 feet). When installed on a 91 meter tower (298.6 feet), adding half the rotor diameter results in a turbine height of 490.6 feet. Using the 80 meter tower identified in Everpower's FEIS results in lesser height.

We can only conclude that the Board's proposal would have no effect on the Everpower project. We request that the Board modify the local law by defining ambient sound consistent with the recent Article 10 regulations for the worst case scenario (i.e., removing seasonal sounds and wind-induced noise), and removing the restriction on the distance within which noise must be assessed (i.e., 2500 feet under the current local law).

Our request is consistent with NYSDEC's comments on the Everpower project, included as Comment #1 in the comments section of the FEIS. There, at pp. 10-11, NYSDEC states that a "short term worst case analysis – such as worse case 10 minute sound pressure level" needs to take into account the fact that "wind velocity may be nearly double that anticipated at hub height during nighttime stable atmospheric conditions." NYSDEC emphasizes: "Stable atmospheric conditions at night [i.e., wind shear] when the difference between ground level wind and hub height wind speeds may be most pronounced should be carefully examined."

Both Everpower and CRA rejected these comments, relying instead on a non-scientific theory that ground level wind speeds can be "normalized" by assuming some fraction of the hub height wind speed. As was amply demonstrated by our technical submissions to the Planning Board at the time (including the reference provided by NYSDEC in support

of the comments quoted above), this approach fails to address the conditions which most often accompany noise complaints near operating wind farms around the world.

Thus, the board needs to revisit the way in which the baseline, ambient sound level is defined, against which predicted project noise levels are compared. Removing wind-induced and seasonal or intermittent noises from the background sound level will result in a true worst-case analysis. Removing the 2500-foot limit on the distance from the project at which this comparison should be made is called for because annoying levels wind turbine noise are reported as far away as two miles and, as the Everpower review process has shown, average noise receptors are located outside this distance.

The board's resistance to these simple, commonsense changes—amply supported by agency comments to the Town and peer-reviewed scientific research, reports and opinions—is causing increasing frustration among the residents south of the river. The kind of piecemeal, ineffective solutions you are now proposing will only heighten this frustration.

We understand the Board is fearful of litigation. We have accordingly directed our attorney to act immediately to withdraw CCCC's lawsuit against the Town. Courts will not second-guess reasonable legislative action by a Town Board. This, however, does not stop an aggressive developer from suing anyway. Nevertheless, if the Town Board were to elevate fear of litigation to the primary consideration in every large development proposal, local regulation for the general welfare would be a dead letter. We hope you have the courage to see to it that this is not the rule in our town.

Respectfully,

/s/
Gary A. Abraham

gaa

cc: Jim Hitchcock (via email)
David Koebelin (via email)
David O'Dell (via email)
Ed Allen (via email)
Kathy Boser (via email)
Richard Stanton, Esq. (via email)
Daniel Spitzer, Esq. (via email)

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14.03.2012, Press release

Nordex presenting at EWEA 2012 extensive range of additional components for greater efficiency and yields

• Anti-icing system preventing the accumulation of ice on rotor blades

• 141-metre hybrid tower for added yields in non-coastal regions

Hamburg, March 14, 2012. Taking place in Copenhagen on 16 - 19 April 2012, EWEA 2012 will be providing the backdrop for the Nordex efficiency class. At stand C3-B30, Nordex SE will be showing visitors a broad range of measures and additional components aimed at boosting the efficiency and yields of the Gamma Generation turbines.

Thus, Nordex will be showcasing an innovative anti-icing system for the rotor blades of its N100/2500 and N117/2400 turbines targeted at the European and North American markets in particular. In sub-zero temperatures, the accumulation of ice on the surface of the rotor blade can lead to a loss of yields as the greater load causes imbalances in the rotor, shortening the life cycles of the components. What is more, the resultant change in dynamics compromises the efficiency of the turbine, which results in reduced yields caused by extensive down times. With the Nordex anti-icing system, operators are able to rely on secure yields from their wind turbines and maximum availability in low-temperature regions. The system has already been successfully implemented at a wind farm in Sweden, where energy yields have been increased by 25 percent in the months with severe icing conditions.

The anti-icing system comprises an ice sensor and heating elements fitted to the front edge of each rotor blade. The sensor continuously monitors ambient conditions and reports the status to the wind turbine's operation management system. If this data indicates the presence of

conditions liable to cause icing, the heating elements are automatically activated. Energy-efficient heating prevents ice from accumulating on the rotor blades. Integrated into the blade structure, this solution de-ices the rotor blades during operations free of any loss of yield. Even during down times, the system detects any icing, triggering the de-icing process and resuming operation.

A further highlight at Nordex's fair stand will be the presentation of additions to the range of towers available for the N117/2400 on-shore turbine. Topographic obstacles in non-coastal locations may impair yields. The higher the hub height the better wind qualities and, hence, also annual yields become. Nordex is offering the N117/2400 on a 91-metre and 120-metre tubular steel tower as well as in Europe on a 141-metre hybrid tower. The additional annual yield from a hub height of 141 metres stands at 21 percent compared with a hub height of 91 metres.

Following the upgraded wind class suitability, Nordex offers the N90/2500 for strong wind

regions (IEC-1) and the N100/2500 for regions with medium wind speeds (IEC-2). With a rotor diameter of around 117 metres, the N117/2400 is specially configured for light wind locations, making it the most efficient turbine for IEC-3 sites.

Nordex at EWEA 2012: Stand C3-B30

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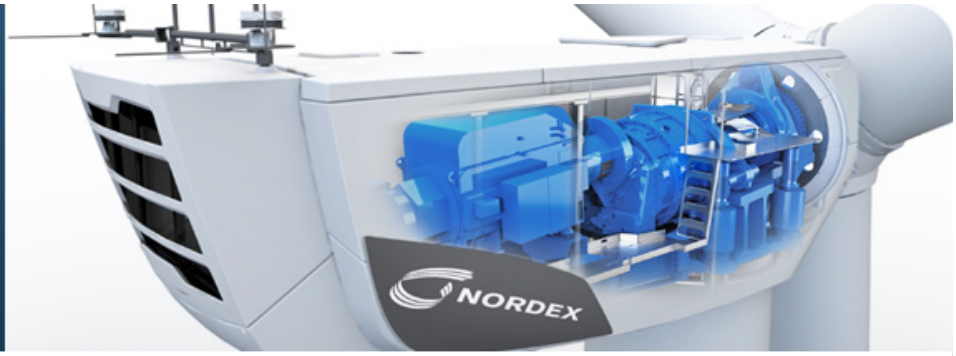

Products & Services

› Wind turbines
- N117 (2.4 MW)
- N100 (2.5 MW)
- N90 (2.5 MW)
- N82 (1.5 MW)
- N77 (1.5 MW)

Project services

Service

Why Nordex?

Sales contact

Wind turbines

The third generation of our multi-megawatt series, the Gamma Generation, combines the latest research and development with technical know-how and experience from a decade of operation to meet today's market requirements. We offer different machine types for each wind class using a common technical platform: the N117/2400 for IEC 3 locations, the N100/2500 for IEC 2 sites and the N90/2500 for IEC 1 locations. Modular design allows us to add type-specific components and customer options. The result: Nordex offers for varying customer and market requirements numerous different turbine types of the N90, N100 and N117 – all based upon this common technical platform.

N117 (2,4 Megawatt)

With a rotor sweep of 10,715 square metres an a rotor diameter of 117 meters, the N117/2400 is the IEC 3 turbine with the highest yield in its category.

› **More Information**

N100 (2.5 Megawatt)

The Nordex N100/2500 kW is a turbine suitable for inland sites. With a rotor diameter of 100 metres, the N100/2500 is ideal for medium and low wind locations (IEC 2, IEC 3).

› **More Information**

N90 (2.5 Megawatt)

The N90/2500 kW is a very versatile and at the same time very efficient wind turbine of the Nordex product family. The turbine is designed for strong wind sites (IEC 1).

› **More information**

N82 (1.5 Megawatt)

With a rotor diameter of 82 metres, the N82 is ideal for low-wind locations. The turbine is offered exclusively for the asian-pacific markets.

› **More information**

N77 (1.5 Megawatt)

Due to the rotor diameter (77 metres) and the pitch technology used, the Nordex N77 is optimally designed for use in areas with low wind speeds. The turbine is offered exclusively for the asian-pacific markets.

› **More information**

Print