

Wednesday, August 06, 2008

COHOCTON WIND WATCH OUTLINE FOR THE NYSERDA STATE ENERGY PLAN

For renewable energy to effectively decrease emissions and our dependence on fossil fuels, there must be a coordinated statewide approach that deals with appropriate siting and environmental impact. The Legislature, PSC and NYSERDA must be critical and reevaluate existing wind projects as well as current policies before proceeding with any incomplete or new projects. We hope this is the goal.

At present each wind installation is evaluated separately by local towns and agencies that have no previous experience with such technology. Bonding is lax or absent and building permits are absent or have no clout.

Monitoring must be part and parcel of this review process and it is apparent we need state agencies to do just that! No town nor its people should be another mistake on the learning curve. We, the State of New York, are beyond the learning curve with global electronic knowledge. When the learning curve already exists, it becomes negligence on the part of the agencies who as lead agencies choose not to abide by federal and state guidance documents just because it is not law.

WIND DATA-

1. Minimum wind criteria must be determined legally; not a guidance document. Less than 1% of NY's land is suitable for wind turbines with average speeds exceeding 15 mph according to AWS TrueWinds. NYSERDA has set a minimum guidance of 7m/s in their Toolkit. It is only a guidance and any lead agency/project sponsor does not have to comply. The final impact is that green funding will determine the number and location, not the generation of green energy. This has to be regulated.
2. Measurable wind data from meteorological towers should substantiate the estimate of TrueWind Mapping. Duration of measurement, number of meteorological towers per area, and reliance of independent professionals are again only guidance not specified siting criteria. This has to be regulated.
3. REC's and funding should be based on productivity, not NAMEPLATE. REC's should be monitored for doubling(Use, sale and claim). Consumer should should not be mislead as to what they are"buying."

HEALTH and SAFETY-

1. NY DEC NOISE GUIDANCE is not a regulatory document and should be; especially in cases where Towns have no zoning nor noise ordinances. World Health Organization Guidance documents(35 dB nighttime) and the new results of the ongoing International Noise from Wind Turbine Symposium should be taken into account when composing such regulatory language.
2. The Federal Fish and Wildlife Guidance document for Wind turbines is again just a guidance document and can be and is ignored by lead agent/project sponsors under SEQR. Studies have been shortened and intermittent. Some being completed up to three years after these industrial machines are running which, of course, defeats their purpose.
3. NY DEC Visual Assessment is just a guidance document again; not regulatory. Shadow flicker upon driving conditions and residents are ignored by accusing the impacted parties of NYMBYism.
4. Tower collapse and fire are well documented for wind turbines. There are no regulations in NYS. The DOS has determined that wind turbines farms are not regulated under the UNIFORM Fire Prevention and Building Code. We have a confirmatory email as to this statement. There is no NYS protection as stated in our constitution.

5. The State Energy Office no longer exists; abolished in 1995. The PSC's regulations regarding electric utilities do not identify requirements that pertain to wind generation. The PSC and State Energy Commission were to promulgate those regulations. The PSC states it is not authorized to do so and suggests a request for declaratory ruling. We have request the same multiple times to the PSC with no success. Surely a state agency has standing to request clarification. Please accept this as such.

6. Siting criteria for all degrees of electrical energy should be regulated by NYS. Article X should be reinstated to oversee all ranges of MW electric facilities but not supercede Home Rule. Arbitrary projects of less than 80 MW should not be allowed lightened monitoring.

TOWNS-

1. Every town should be required to go to Comprehensive Planning before considering industrial energy power plants in order to protect the public health and safety.

2. Quality Communities should supervise the intra agency planning and coordination.

3. The RPS should have included a grace period for the DOS to help the Towns plan prior to the barrage of energy companies. A State Moratorium should be considered at this time so that this can transpire.

4. Recommissioning and Decommissioning Bonds should be required. The people of the State of NY should not be ultimately financially responsible for companies and lead agency mistakes.

5. Eminent Domain should not be a tool used against nonparticipating neighbors.

6. Host agreements should not promote one company over another. Gag orders shuld not be allowed with respect to towns not leases. Non participating neighbors' properties need to be protected not superceded by the Host Agreement.

7. The issue of building permits and code enforcement needs to be resolved by utilizing state, federal and international guidance documents as requirements.

8. General liability insurance amounts and bonding needs to assured by some NYS agency prior to breaking ground. Currently this is not being properly enforced by many towns.

9. Non participating neighbors property values need to be protected; dual purpose for individual landowner and assessed value used as the basis of state and town taxes.

10. There should be a mechanism in place for town wide referendums on wind projects.

SEQR-

1. Freedom of Information and Open Meeting Law should be more enforceable especially in the process of SEQR. There should be written public notice of all phases of SEQR; not just hearings. At present, lead agents are able to observe the regulations of SEQR without observing the spirit, by using the minimum amount of time for public input and by making official documents difficult to obtain.

2. Impacted neighbors should be notified in writing.

3. More practical time frames for response; Final EIS should have more than 10 days.

4. Lead agencies should have to uphold their government responsibilities to the people by following all governmental guidance documents; NY DEC Noise policy; FWS guidance, etc. Guidances were not

written to be ignored.

5. Cumulative impact should be at a state level also especially when impacting wildlife.

6. Transmission line and other plans should not be deferred to the Findings Statement or deferred to after approval of SEQR implying SEQR has no value.

7. The environmental impact of noise should be considered correctly, with proper interpretation of data. The propagation of noise is a complex issue involving weather and climate. Developers must specifically submit wind data during times of radiative cooling which typically take place in the summer when windows are open and noise most obtrusive. Guidelines such as those issued by the French Academy of Medicine specifically for wind turbine sites must be adopted.

8. The issue of blade collapse and throw needs to explicitly factor in lift coefficients instead of ignoring this fundamental one that dramatically affects the distances that debris might travel. Current guidelines of distance setbacks need to be based on real documented instances of blade throw, instead of just some number that the developer can live with.

9. There is no checks and balances with SEQR -- the reality is that no one oversees the lead agent to ensure that independent studies are accurately completed and independently monitored with worst case scenarios resolved.

10. Until recently there have been no peer reviewed scientific studies; only recommendations

by the wind companies for their benefit. There are clear conflicts of interest when the wind company hires or owns the "engineer" firm that is supposedly independent; yet, this is current practice.

11. IDAs should not be lead agents under SEQR for renewable energy projects since their mission is to "help" business; not foster the environment. Members of the IDA's are not equipped to judge the studies themselves, nor are they equipped to determine whether the engineer is or is not "independent." Should not the independent engineer be legally responsible for the project execution and success?

12. Independent Scientists and licensed professionals should be overseeing the studies. Ideally the wind companies should have nothing to do with scientific studies. It is unrealistic to think that the wind companies can be unbiased in their decisions or analyze the data correctly.

13. The state needs to know more than it presently does about the environmental impact of renewable energy projects. The state needs to study what has already been done in this country and abroad and

determine for itself if and where these projects belong. If the state decides that these projects can work in New York, then the State of New York needs to determine the kind and type of studies to be done.

GRANTS-

1. Companies receiving a Grant should follow all procedures and required submissions prior to being considered for grant not just before actually receiving the monetary grant, i.e., NYDERDA requiring DOS filing of foreign status before, not after, application filed.

2. Companies submitting for a Grant from NYSERDA or other governmental agencies should be immediately posted and a notification system set up similar to the NY DEC ENB.

3. Qualifications should also be reviewed and posted. Should a wind merchant obtain a grant to measure meteorological data? Or applied to an independent professional? Checks and balances should be required.

4. Companies receiving grants or incentive from NYS should be required to complete the facility and actually run it for a given amount of time; preventing the "quick resale" phenomenon and true production of energy.

5. Use of SBC should require independent assessment of production and regularly scheduled reporting by an independent professional auditor.

The Executive Order 111 and RPS did not closely examine the legal, health and safety and environmental ramifications. Inherent are problems with public input, professional research, and notification of such a statewide commitment. Hopefully this new Executive Order will rectify the situation with the help of the public.

Please accept our brief comments with respect to the Energy Plan.