

Evergreen Noise Violation Status Update May 26, 2009

The following chart represents the sequence of events that have been initiated to deal with the original noise violation:

Issue/Task	Date Completed	Responsible Party
Noise Complaint filed with DEC	March 27, 2009	Neighboring Property Owners
Confirmation of Noise Violation	March 28 and 29, 2009	DEC
Issuance of Notice of Violation to Evergreen Solar for producing a "Pure Tone" condition	April 1, 2009	DEC
Facility repairs to reduce noise sources: <ul style="list-style-type: none"> - VOC Scrubber motor and blower fan replacement - Shutting off door exit alarms - Chiller unit pump repairs - Keeping large doors closed to contain noise 	April 30, 2009 (on-going) April 6-13, 2009 April, 2009 April 2009 April 2009	Evergreen
Public Meeting to receive update from Evergreen and input from neighbors	May 7, 2009	DEC
Gas deliveries restricted to daytime hours	Agreed to on May 7, 2009 but have not complied	Evergreen
Long term noise monitoring to identify other noise sources <ul style="list-style-type: none"> - RFP issued - Consultant Selected - Monitoring Initiated (3 loc.) - Inventory noise sources at Evergreen 	Proposed on May 7, 2009 May 11, 2009 May 18, 2009 May 18, 2009 May 21, 2009	DEC
Interim results of long-term noise monitoring	May 22, 2009	DEC
Second Notice of Violation issued based on follow-up monitoring	May 26, 2009	DEC

Although Evergreen committed to scheduling all argon gas deliveries between 8AM and 4PM, the DEC's long-term monitoring and input from neighboring property owners has confirmed that this is not occurring. A delivery of Argon occurred between 5AM and 6AM on May 21.

The DEC has issued a second notice of violation based on the interim results of the long-term monitoring and requested compliance within 30 days but has requested Evergreen install the necessary sound attenuation equipment immediately to temporarily address the gas delivery noise violations until a long-term solution is implemented.

The DEC's noise consultant is currently in the process of reviewing the week-long monitoring data and comparing it with the inventory of noise sources from the facility to target specific noise generators and identify additional potential mitigative measures that will reduce noise levels from the facility. This report should be available shortly.

The DEC will also be notifying PraxAir, the gas supplier, of the violation to help ensure that all gas deliveries occur only between the hours of 8AM and 4PM.

The DEC continues to take this violation very seriously and has implemented measures to expeditiously address the all noise sources in addition to the gas deliveries.