

Memo

**Devens
Enterprise
Commission**

Date: August 31, 2009
To: Devens Enterprise Commission
Cc:
From: Peter Lowitt, Director
RE: Evergreen Noise Resolution Update

In response to Evergreen Solar's weekly update dated August 28, 2009, the DEC would clarify the following points:

To date, Evergreen has complied with a portion of Condition #1 of the July 14, 2009 Resolution – at or below 42 dBA by July 27, 2009 for nighttime and at or below 43 dBA for daytime by August 17, 2009. Evergreen has stated that they “believe” their factory noise levels are in compliance with the DEC Regulations, however they have yet to demonstrate full compliance with 38 dBA nighttime requirement under condition #1 as they have not been able to demonstrate “sustained” compliance by obtaining a second nighttime measurement of 38dBA witnessed by the DEC. Condition #1 of the resolution requires the measurements to be conducted under specific conditions (nighttime, no wind, no precipitation). These conditions were specified by the DEC in an attempt to more accurately reflect the initial ambient noise level of 33dBA of the area established by CH2MHILL in their 2007 Noise Report for the project, so that the contribution of the Evergreen facility can be more accurately measured. Evergreen continues to monitor noise levels and the DEC has been present for a number of their failed measurement attempts. Weather conditions and elevated ambient noise levels from the surrounding area appear to be making it difficult to measure the actual contribution of Evergreen.

In order to provide a more accurate measurement of the actual contribution of the Evergreen facility at the R1 location at any given time, the DEC has requested Evergreen add to their existing measurement protocol, additional sound meters closer to the facility. This is being done, at the recommendation of the DEC's noise consultant, and should aid in obtaining a more accurate measurement of the contributing facility noise levels at R1 at any time of day or night. Once this revised measurement protocol is reviewed and approved by the DEC, compliance measurements will need to be conducted immediately by Evergreen. Should the measurements indicate Evergreen is contributing more than 5dBA at the R1 location, Evergreen will be required to implement any and all additional sound attenuation measurements necessary to demonstrate compliance by September 15, 2009. The DEC's noise consultant has identified the cooling tower area as a potential continuing noise source at the R1 location and the DEC has directed Evergreen to be prepared to undertake additional noise attenuation measures immediately and before the September 15, 2009 deadline, should measurements indicate they are necessary.

The “Stress Test Evergreen is referring to is actually the worst case scenario test that is required to be conducted as per Condition #9 of the July 14, 2009 resolution, which requires all sound producing equipment to be operated at its loudest (not just a design speed), including a gas delivery.

In addition to the above, there still remains additional reporting and long-term monitoring requirements that Evergreen must meet as per the Resolution. They include:

- Establishing a permanent noise monitoring system as per condition #2

- Continue to diligently maintain all equipment and control of operations to ensure compliance continues once it is achieved.
- Provide written reports to the DEC, including monthly monitoring logs, complaints and any resolutions/additional measure enacted as per Condition #6.
- Provide the DEC with monthly monitoring reports after demonstrating compliance, in accordance with Condition #7.