

May 26, 2009 Notice of Violation Attachment

Preliminary sound level measurements conducted by the Devens Building Department indicated that the source exceeded the 45 dBA at the Perry residence at 42 Old Mill Road. Based on qualitative observation of the sound character, the sound field was dominated by the sound from the Evergreen Solar equipment. In the course of several visits, the observed sound level at the residence varied from visit to visit, while the sound at the source remained the same. Detailed measurements conducted in the course of these complaints have further identified substantial exceedances at the Devens Corporate Boundary.

Under the conditions of the detailed measurements on the evening of March 28 and early morning of March 29, 2009, the observed equipment sound was graphed as in Figure 1. The offending tone is annotated in the measured spectrum.

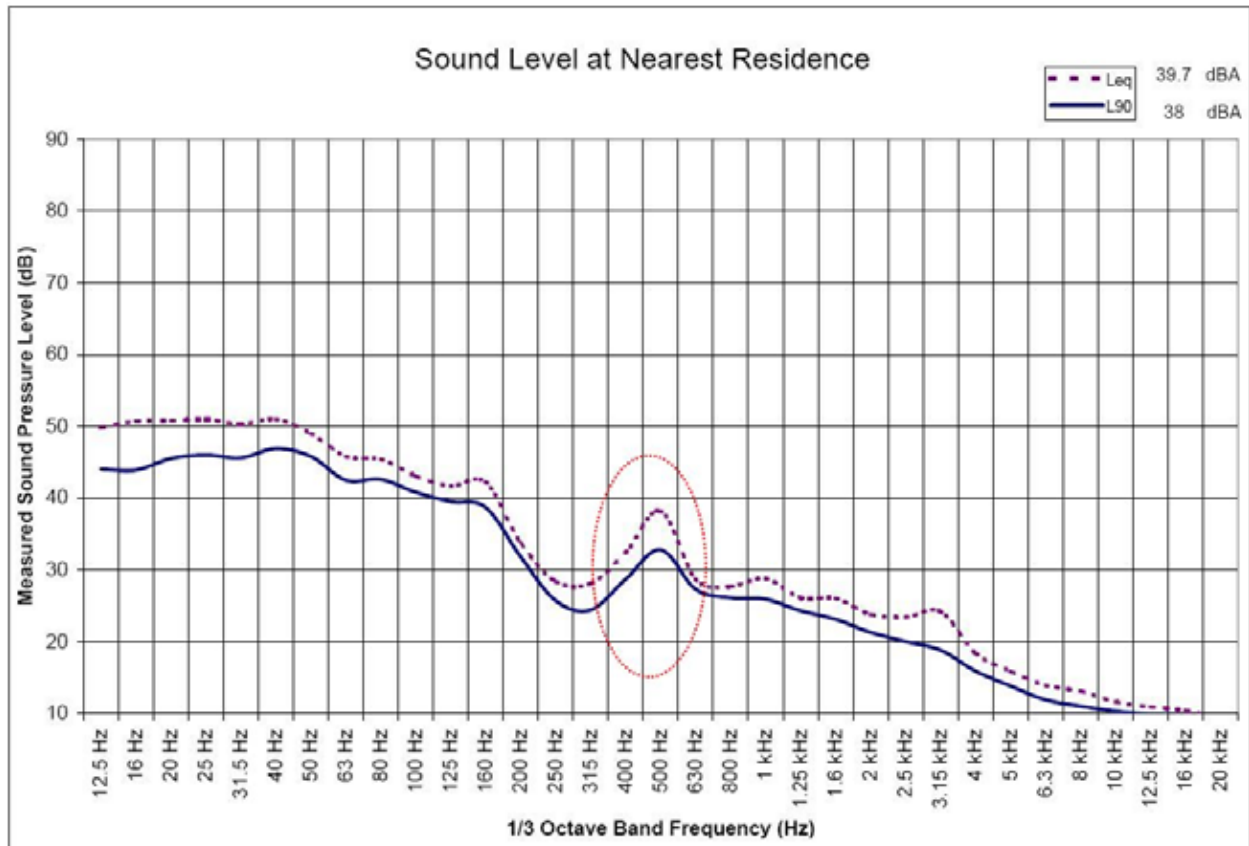


Figure 1:
Graphical Summary of the Measured Spectrum at 42 Old Mill Road

In the course of the study, additional measurements were made at 42 Old Mill Road to identify whether the noise repairs were successful to eliminate the tonal intrusion. Based on similar early morning measurements made at the same location, the spectrum has changed only slightly, but no longer meets the definition of a pure tone. The results are graphed in Figure 2 and 3 to compare the spectra.

However, as was discussed at the May 7 Hearing, the compliance criteria must be met at any residential property beyond the Devens Corporate boundary. A location representing the nearest offsite location has been monitored as part of the extensive analysis of Evergreen sounds. The measurements have identified a continuing exceedance of the Devens criteria at the property line. The results of the property line

nighttime sound level is shown in Figure 4. The measured level is dominated by the sound from Evergreen Solar and was measured at 46.9 dBA against a compliance criteria of 38 dBA.

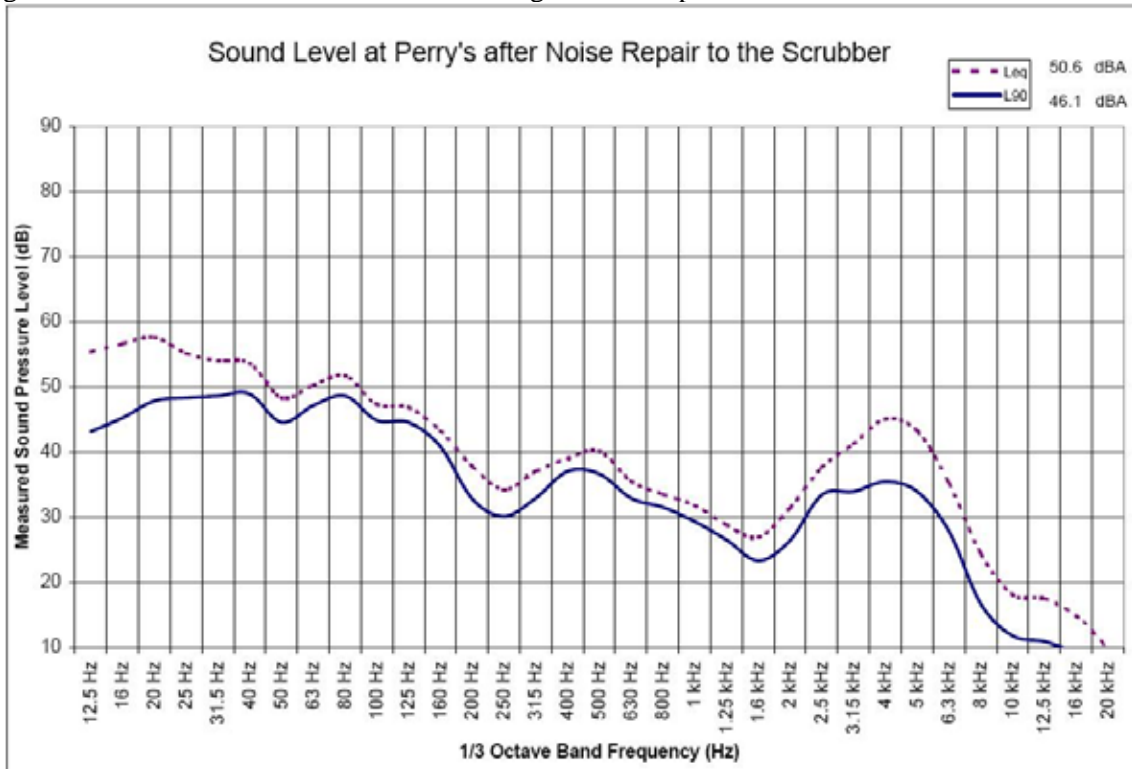


Figure 2: Graphical Summary of the Measured Spectrum at 42 Old Mill Road

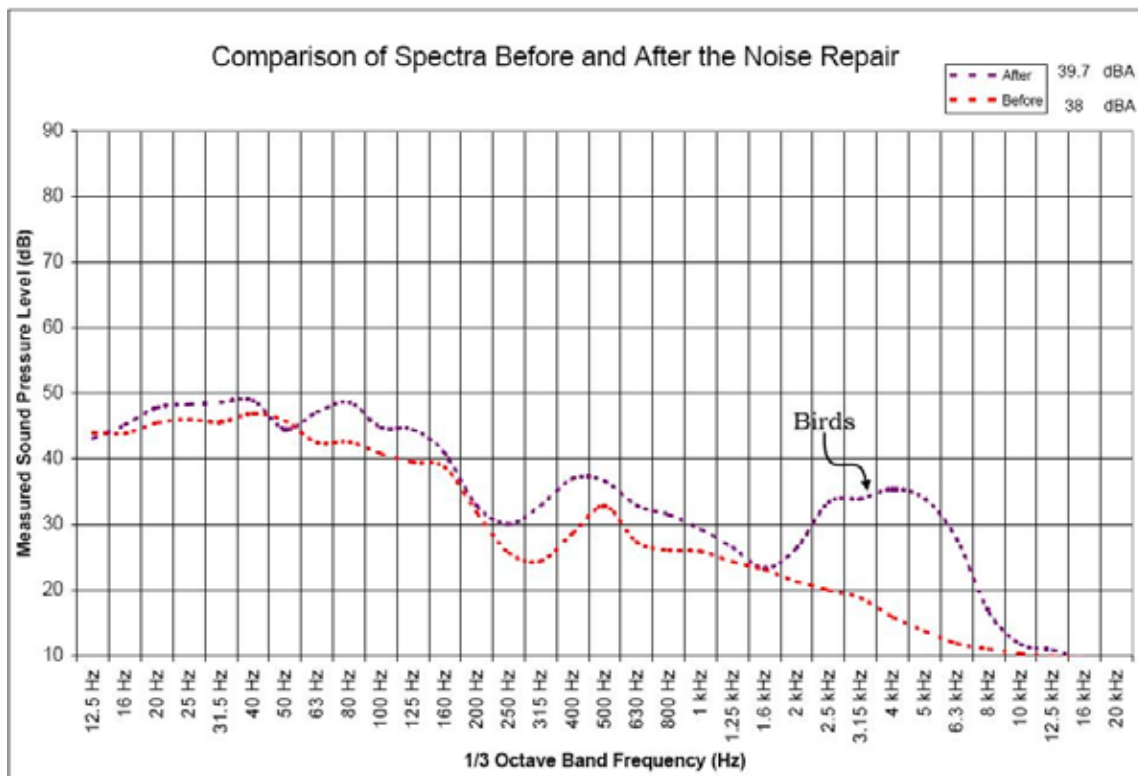


Figure 2: Graphical Summary of the Measured Spectrum at 42 Old Mill Road



**Figure 2:
Graphical Summary of the Measured Spectrum at the Evergreen Solar Equipment**