



December 4, 2009

Mr. Peter C. Lowitt
Land Use Administrator/Director
Devens Enterprise Commission
33 Andrews Parkway
Devens, MA 01434

RE: Evergreen Solar Update – Noise Compliance

Dear Mr. Lowitt:

As discussed and agreed at the May 7, 2009 open meeting of the Devens Enterprise Commission (the “DEC”), Evergreen Solar is providing this update on its efforts to reduce the noise levels in the neighboring area and bring its facility into compliance with the noise ordinance. This update is also provided in satisfaction of the reporting requirements specified in Conditions No. 5 and No. 6 of the Resolution adopted by the DEC on July 14, 2009 (the “DEC Resolution”).

Worst Case Scenario Sound Level Testing - The DEC approved the Evergreen Solar long-term monitoring protocol on December 3, 2009. The worst case scenario tests performed on November 3rd indicated that Evergreen Solar would be in consistent compliance with the proposed protocol limits if the cooling tower fan speeds did not exceed 60%. Evergreen Solar presented a plan to the DEC, which was also accepted, to redesign the cooling tower system to insure that the facility can function within the 60% fan speed limit year round. A schedule for this plan will be developed and will be implemented before the warm weather arrives.

Current Monitoring Activity – CTA continues to monitor thirteen locations near the Evergreen Solar facility. These monitors will remain for the next 30 days as the equipment for the long-term monitoring protocol is installed and tested to confirm its functionality.

We are also continuing to monitor the Evergreen Solar facility 7x24 with live personnel to be able to respond and react to any sound level changes from the facility. There were no complaints received this week. The last complaint received was on October 16, 2009, which was investigated and closed.

Permanent Long-Term Monitoring –As previously stated the long-term monitoring protocol was approved by the DEC at a meeting on December 3, 2009.

The installation of the equipment for the long-term monitoring program began on November 16th, as scheduled. The equipment is installed at the two locations directly

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behind the Evergreen Solar facility and daily recordings are being transmitted to Evergreen. Once the formatting of these reports is complete, which is expected during the week of December 7th, the reports will be sent to the DEC as required by the long term monitoring protocol. The third permanent meter is to be located at R1, Dunroven Farm. Evergreen Solar and the owners of the farm will have to reach an agreement on the installation of the meter.

Additional Mitigation Measures Planned – The additional ground mounted pump installation completion date is December 18th, as previously communicated.

Evergreen Solar has met the requirements of Conditions 4 and 5 of the DEC Resolution dated July 15, 2009 and, therefore, this will be the last weekly update.

Sincerely,

Carl Stegerwald

CC:

Christian Ehrbar

Phil McRae

Brian LaValley

Tom Cusson – MA DEP

MEMO

TO: Community
FROM: Peter Lowitt, AICP and Neil Angus, AICP
DATE: December 4, 2009
RE: Clarification of Evergreen 12/4/2009 update

Worst Case Scenario Testing - Evergreen Solar (EGS) failed the worst case scenario testing and therefore is required to take all necessary measures to ensure the facility remains in compliance at all times. EGS has submitted a plan to maintain compliance which has been reviewed and is pending approval by the DEC. Any necessary modifications to the facility and/or facility operations to ensure compliance is maintained will be required to be implemented immediately and verified by the DEC. The Commission will establish a date whereby these measures need to be installed.

Current monitoring activity must remain in place until the DEC has confirmed the permanent monitoring system is in place and functioning properly.

Due to the failure of the worst case scenario test, EGS has not met the requirements of Condition #4 of the Resolution. EGS must take all necessary measures to ensure compliance at all times. As per previous weekly noise meeting discussions, EGS must also confirm the September 12 and 13 compliance measurements without correcting for removal of insect noise. Until all noise mitigation items and permanent noise monitoring are completed to the satisfaction of the DEC, daily monitoring reporting at R5, R7 and R1 must continue, along with weekly updates as required by Condition #6 of the Resolution.