

# Memo



Date: October 7, 2009  
 To: Devens Enterprise Commission  
 Cc:  
 From: Neil Angus, Environmental Planner  
 RE: Evergreen Weekly Update 10-2-09

Attached is a copy of Evergreen Solar's weekly update regarding the status of their efforts towards compliance with the July 14, 2009 Noise Resolution. The following is a DEC overview of where Evergreen stands with respect to compliance with the requirements of the resolution:

Resolution Condition	Status
1. Evergreen shall achieve sustained compliance at or below 42 dBA by July 27, 2009 and at or below 38 dBA by August 17, 2009 (both being measured at the quietest time of the day, typically 4am in calm, no-precipitation conditions), and shall by August 17, 2009, remain at or below 43 dBA for daytime activities and 38dBA for nighttime activities.	<b>Complete.</b> <ul style="list-style-type: none"> <li>• 42 dBA achieved July 25, 2009</li> <li>• 43 dBA daytime achieved August 8, 2009</li> <li>• 38 dBA nighttime achieved September 12&amp;13, 2009</li> <li>• Sustained measurements to be verified once long term measurement protocol is approved.</li> </ul>
2. Establishment of a permanent noise monitoring station at its lease line and at 62 Old Mill Road and continuous monitoring (24 hours, seven days a week) noise levels from the Facility to ensure compliance with 974 CMR 4.05. (monthly reporting requirements to DEC)	<b>Not complete.</b> <ul style="list-style-type: none"> <li>• Evergreen finalizing purchase specs this week. Installation to be complete by 12/09</li> </ul>
3. Any violation of the DEC's industrial performance standards for noise shall be reported to the DEC and brought into compliance within 5 business days or shall cease operations until compliance is achieved.	<b>Ongoing.</b> <ul style="list-style-type: none"> <li>• Daytime and nighttime compliance with 974 CMR 4.05 has been demonstrated under "normal" operating conditions as per Condition #1.</li> <li>• Long term monitoring protocol being developed to aid in measuring compliance at any given moment.</li> </ul>
4. Until compliance with 974 CMR 4.05 is demonstrated by Evergreen to the satisfaction of the DEC, Evergreen shall not request a Final Certificate of Occupancy. The current temporary certificate of occupancy for Phases 1 and 2 expires on July 15, 2009 and shall be extended no later than October 31, 2009.	<b>Not complete.</b> <ul style="list-style-type: none"> <li>• Current CO expires October 31, 2009.</li> <li>• Worst case scenario testing must demonstrate compliance as well.</li> <li>• Interim measurement protocol to be used to measure compliance and artificially eliminating insect noise. Confirmation/true measurement to occur prior to November 15, 2009.</li> <li>• Interim restrictions on plant capacity are being implemented by Evergreen and verified by the DEC to ensure sound levels remain in compliance until actual measurements without insect noise are achieved.</li> </ul>

<p>5. Implementation of Evergreen Solar Noise Abatement Plan – July 13, 2009.</p>	<p><b>Not complete.</b></p> <ul style="list-style-type: none"> <li>• Initial Noise measures in abatement plan are complete however worst case scenario testing has not.</li> <li>• Additional sound attenuation devices being installed (beyond initial abatement plan):                      Oxygen ground-mounted pump                      ASX sound attenuation                      NOx attenuation</li> </ul>
<p>6. Evergreen measurements specified in the Plan at least once weekly until September 18, 2009 and written report to the DEC detailing, with supporting documentation and current status of all sound attenuation and mitigation controls as set forth in, and the results of all monitoring (including, monthly, monitoring logs) conducted, whether relating to additionally identified noise sources, complaints, or attenuation or mitigation measures, additionally conducted monitoring or changes in schedule or other material aspects of achieving compliance.</p>	<p><b>Ongoing.</b></p> <ul style="list-style-type: none"> <li>• Evergreen continues to submit weekly updates.</li> <li>• Ongoing sound monitoring data has been provided.</li> <li>• DEC has requested details on additional noise attenuation measures being implemented to address worst case scenario elevated sound levels.</li> </ul>
<p>7. Evergreen monthly report to the DEC, after achieving compliance, detailing the then-current status of all sound attenuation and mitigation controls as set forth in, and the results of all long-term monitoring</p>	<p><b>Ongoing.</b></p> <ul style="list-style-type: none"> <li>• Reports will commence once long term monitoring is in place.</li> </ul>
<p>8. Evergreen shall attend each regularly scheduled meeting of the DEC until the violation is resolved.</p>	<p><b>Ongoing.</b></p> <ul style="list-style-type: none"> <li>• Evergreen continues to attend DEC meetings that they are requested to attend</li> </ul>
<p>9. Evergreen shall demonstrate that on September 15, 2009 under a worst case scenario it is producing no more than 38dBA as measured at Dunroven Farm or any location in the neighborhood. The worst case scenario shall include the activation of all sound producing equipment operating at its loudest, including a gas delivery.</p>	<p><b>Not Complete.</b></p> <ul style="list-style-type: none"> <li>• Evergreen is requesting the worst case scenario test be delayed until 11/15/09 to allow for insect noise to be naturally removed from the test results.</li> <li>• Resolution remains in force until this and all conditions are met by Evergreen.</li> </ul>

The DEC continues to monitor Evergreen’s progress in accordance with the Resolution. Any additional questions and/or concerns may be directed to Peter Lowitt or Neil Angus at 978-772-8831 or [peterlowitt@devensec.com](mailto:peterlowitt@devensec.com) or [neilangus@devensec.com](mailto:neilangus@devensec.com).