



November 30, 2009

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

RE: Evergreen Solar, Devens MA,
Permanent Daytime and Nighttime Sound Monitoring System Protocol

Dear Mr. Lowitt:

In response to the proposed changes to the above referenced Protocol, Evergreen Solar has the following comments:

1. Section 6 - Data processing/Section 8 - Reporting – The proposed change to the Protocol will require the measurement sample period to include 5 minute reporting. In addition, the proposed changes state that compliance with DEC noise regulations will be the “20 minute average of the measured 5 minute L90 values.”
 - a. Evergreen Solar will provide the 5 minute reporting information once the system is capable of producing such information, which is expected to be late February 2010.
 - b. Evergreen Solar believes that the proposal of compliance measurements being the average of 5 minute readings is unreasonable. Evergreen Solar previously accepted the compliance measurement readings to be L90 over 20 minute intervals, rather than over the one-hour interval as per DEC Regulation 974 CMR 4.05. To further reduce the interval for compliance to 5 minute, even averaging to create a 20 minute interval, places an additional undue burden on the company.
2. Section 6 - Data processing – The proposed revision allows for the re-calculation of the reference limits due to “available seasonal conditions”. In addition, the proposed change calls for any adjustment of the delta values to be “at the sole discretion of the DEC.”
 - a. Evergreen Solar agrees that additional testing should be done in the May to July timeframe to confirm the values established for the reference locations. However, Evergreen Solar requests that the results of any additional testing will result in an appropriate revision of the delta values at the reference monitors, as opposed to such changes being at the sole discretion of the DEC.

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If you have any questions please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael El-Hillow". The signature is written in a cursive style with a large initial "M".

Michael El-Hillow
Chief Operations Officer and Chief Financial Officer