



EIGHT POINT WIND, LLC

Complaint Resolution Plan, Including Noise Complaint and Resolution Plan and Post-Construction Noise Evaluation

Eight Point Wind, LLC
Eight Point Wind Energy Center
Steuben County, New York

COMPLAINT RESOLUTION PLAN

Eight Point Wind, LLC (the Applicant), a subsidiary of NextEra Energy Resources, LLC (NextEra) has prepared this Complaint Resolution Plan (the Plan) to establish a consistent method and procedure by which the Applicant will address public complaints during the construction and the operation of the Eight Point Wind Energy Center Project (the Project). All activities will adhere to the requirements of appropriate governing authorities, and will be in accordance with all applicable federal, state and local rules, regulations and agreements.

PROCEDURE FOR FILING COMPLAINTS

Complaints can be made by following any of the following procedures.

1. Call the Applicant at its local office or its headquarters, or call the Construction Manager during construction or the Site Manager once the Project is operational,
2. Meet with local Eight Point Wind employees in person at the local office, the temporary construction office, or at the Operations & Maintenance (O&M) building once the Project is operational,
3. Submit a complaint in writing by mailing a detailed complaint or dropping off a detailed complaint at the local office, or
4. Submit a complaint in writing by emailing a detailed complaint to the Construction Manager during construction or the Site Manager once the Project is operational.

In order for the Applicant to properly and sufficiently address a complaint, the complaint should be as detailed as possible and include the information below.

- Name of complainant
- Date of complaint
- Phone number
- Address
- Location of issue
- Detailed description of complaint (if possible, include date and time the issue occurred, exact location of issue, duration, and any other details that can help pinpoint the issue)

Included in this Plan is a Complaint Resolution Form that can be used to submit a complaint by mail or dropped off at a local office. These forms will also be available at the Applicant's local office, at the temporary construction office and at the O&M building.

The Applicant encourages complainants to submit complaints directly to Eight Point Wind in order to be able to address such complaints in a timely manner. Complaints submitted to local governmental agencies, emergency service providers, NY state agencies or other third parties may not be communicated to the Applicant and therefore may not get addressed.

In circumstances whereby a third party receives a complaint about the Project, the Applicant requests that the third party refer the complainant to the Complaint Resolution Plan on the Applicant's website and, if possible, forward the complaint to the Applicant within seven (7) business days. The Applicant will communicate this request to local governmental agencies, emergency service providers, NY state agencies and other third parties that may receive complaints about the Project.

RESOLUTION OF COMPLAINTS

The Applicant will work in good faith to address and/or resolve reasonable complaints as soon as is practicable, however, some complaints will take time to evaluate and determine proper resolution and some complaints cannot reasonably be resolved. Safety and good community relations are among the highest priorities of the Applicant; as such, speedy resolution of legitimate complaints is imperative.

Upon receiving a complaint, the Applicant will enter the complaint into a complaint log, documenting the details and will determine a plan of action to resolve the complaint, if possible to resolve. If necessary, the Applicant will contact the complainant as quickly as possible and in all cases within 72 hours to gather additional information and/or discuss a resolution plan. The Applicant will work in good faith to address and/or resolve complaints as soon as is reasonably practicable and commits to resolving complaints within sixty (60) days, unless circumstances dictate that more time is necessary for evaluation or resolution and the Applicant is working toward a resolution. In instances where resolution will take longer than 60 days, the Applicant will contact the complainant to explain why resolution will take or is taking longer and will provide a timeframe for resolution that is as soon as is practicable.

DISPUTE RESOLUTION AND UNRESOLVED COMPLAINTS

In some instances, the Applicant and a complainant (the parties) may not agree on a resolution to a complaint. In such instances, the Applicant will consult New York State Department of Public Service (DPS) then, if necessary, refer the complaint to a neutral third party, for example, a dispute resolution professional or a retired judge. The recommendation of the neutral third party would be provided to the parties and to the DPS and the recommendation would be implemented, unless arbitrary and capricious.

In other instances, the Applicant may determine that a complaint does not have a reasonable resolution. For such complaints (for example a complaint regarding the aesthetic value of wind turbines or a complaint about the value of wind energy), the Applicant will add the complaint to the complaint log, notify the complainant that no resolution is feasible and recommend the complainant contact the DPS if he or she disagrees. If the DPS suggests that further action is necessary on the part of the Applicant, the Applicant will refer the complaint to a neutral third party and the procedure outlined above be followed.

DOCUMENTATION OF COMPLAINTS

During construction and operation of the Project, the Applicant will keep a complaint log, recording complaints that it receives. The complaint log will include, if available, the date of the complaint, the name of the complainant, contact information for the complainant including address, and a description of the complaint. It will also include a description of the complaint resolution, if resolution is feasible.

The complaint log will be maintained by the Applicant and will be made available to the DPS. Upon request by the DPS, the Applicant will send the complaint log via email within seven (7) business days.

PUBLIC NOTIFICATION OF COMPLAINT PROCESS

No less than two (2) weeks prior to the commencement of construction, the Applicant will publish a summary of the Complaint Resolution Plan in such newspapers, including local community and general circulation newspapers, as will serve substantially to inform the public of such Complaint Resolution Plan. The summary will include contact information including phone numbers, email and physical addresses. The Plan will be provided to the Greenwood Township and the West Union Township Town Boards. The Plan will also be posted on the Applicant's website and will be available to the public at the Applicant's local office, temporary construction offices and at the O&M building.

NOISE COMPLAINT AND RESOLUTION PLAN

The steps outlined in this noise complaint resolution plan ensure that the community has a method to register their noise complaints or concerns in a timely manner, and also provide checks so the process is not abused. This plan is in effect upon commencement of construction and will be in effect for the life of the project.

Complaint Response – Construction

If the Sound Complaint location is more than one (1) mile from active construction activity, the complaint will be logged but no action will be taken.

If the Sound Complaint is less than one (1) mile from active construction activity, the following steps will be taken:

- ◆ A representative from the construction firm will visit the site of the complaint during construction activity to listen and observe.
- ◆ Construction personnel will try to determine if any equipment is not functioning properly and thus creating unusual sound. If so, this equipment will be repaired or replaced as soon as practical.

Complaint Response – Operations

If the Sound Complaint represents a residence within one mile of any turbine, and based on monitoring and/or modeling, there appears to be a reasonable possibility that the sound level induced by the Project is greater than 40 dBA at the complainant's location, and the sound is not related to Project maintenance or abnormal operational conditions, then Eight Point Wind will investigate the incident as follows:

- ◆ Determine whether the sound level at the complaint location is likely to be greater than 40 dBA by reviewing the pre-construction sound modeling.
- ◆ Eight Point Wind is not required to conduct sound testing if:
 - the modeled sound level is below 40 dBA, or
 - the complaint has occurred as a result of abnormal operation. In this case, Eight Point Wind shall make necessary repairs.

Eight Point Wind shall conduct sound monitoring if:

- ◆ The complaint location is further than 0.5 miles from any post-construction sound compliance monitoring locations (see Section 3 of this report), or
- ◆ If there is a reasonable possibility that conditions have changed that affect wind turbine sound levels, or
- ◆ The last sound monitoring was conducted more than three years ago.

Eight Point Wind will not, as a result of additional complaints, repeat sound monitoring in a representative area during any three-year period following the first complaint response procedure for that area, unless changes in system operation or turbine maintenance can be reasonably assumed to have resulted in higher turbine sound levels. During the first year of operation, sound monitoring in response to complaints will be addressed as part of the first-year Sound Monitoring Protocol as described below.

Eight Point Wind may request that a Complainant maintain a written log of potentially offending sound events over some reasonable period of time, in order to assist in identifying influences that may affect the sound from the turbines. If the identified factors demonstrate that follow-up sound monitoring is warranted, Eight Point Wind shall make reasonable efforts to conduct such monitoring under conditions

similar to those existing at the time the complaint arose. Eight Point Wind may have access to a sound level meter within 24 hours of request. This meter may be used to perform “spot checks” of sound levels at the area of complaint.

Eight Point Wind shall inform a resident when it intends to conduct any exterior sound monitoring and cooperate with the resident to determine an appropriate location for the monitoring equipment. If Eight Point Wind determines that a Sound Complaint is not valid for two separate instances at the same location, then any future complaint, beyond the first two, requires that particular complainant to pay the cost of sound testing.

Reporting

If any complaint-based sound monitoring is conducted by Eight Point Wind, the results of the testing shall be submitted in a report within 45 days of the completion of that monitoring. This report shall go to the complainant, and if requested, to the Town Clerk of West Union, Town Clerk of Greenwood, and NYS DPS. The report shall include the following information during the monitoring period:

- ◆ Ground-level wind speed and direction
- ◆ Operational status of the wind turbines
- ◆ Summary of sound levels, and
- ◆ Raw sound level data as logged by the sound level meter during the program.

If, as the result of a complaint resolution, it is determined that the sound level at any non-participating residence, attributable to the Project, is above the 45 dBA (1-hour L_{eq}) project standard, Eight Point Wind shall take steps to identify the issue and evaluate practical measures to reduce sound levels at the receptor and/or mitigate the issue by other measures.

POST-CONSTRUCTION NOISE EVALUATION

This section addresses Clause (I) of Stipulation 19 Noise & Vibration to confirm conformance with the Project's operational noise standard.

Design Goals & Compliance Standard

Table 19-11 of Exhibit 19 summarizes the standards and design goals for the Project. With that in mind, the compliance standard for this project is 45 dBA (1-hour L_{eq}) at a residence. This sound level standard is a "wind turbine only" value excluding background. How to demonstrate compliance with this standard is the purpose of this post-construction noise evaluation protocol.

Measurement Program

The monitoring program will be conducted consistent with ANSI S12.18-1994 "Procedures for Outdoor Measurement of Sound Pressure Level". Within ANSI S12.18-1994, Method #1: "General method for routine measurements" will be followed. The program will generally be unattended (see "Duration of Testing") but at least parts of two days and two nights will be augmented with attended observations during the program.

SCADA data showing power output (kW) and hub height wind speed for the wind turbines will be provided by Eight Point Wind following the conclusion of the program so that the operational status can be evaluated. Testing conditions must include the wind speed producing the highest sound power level. The highest sound power level (L_w) for the GE 3.43-137 is 106.0 dB(A) at approximately 9 m/s at a hub height of 110 meters. The highest sound power level for the GE 2.3-116 is 106.0 dB(A) at approximately 10 m/s at a hub height of 94 meters. This will determine if a period of worst-case sound levels were generated by the wind turbines.

Proposed Testing Locations

Sound level compliance testing is proposed at six (6) of the nearest residences to the project. Possible compliance testing locations were selected based on two primary criteria:

- ◆ Highest 1-hour modeled sound levels, and
- ◆ Non-participating status.

In addition, an attempt was made to test at different locations within the project area. For example, ID #325 and ID #327 were both modeled at 44 dBA and are quite nearby, thus only one of the these two locations is recommended for testing. These locations are described below, and shown on Figure 9-2 of the NIA. Testing at these locations is contingent upon receiving landowner permission.

- ◆ ID #771 – County Road 98, West Union. This location is approximately 1,549 feet northwest of the nearest wind turbine (WTG 20), and was modeled at 44 dBA.
- ◆ ID #400 – Keenan Rd, West Union. This location is approximately 1,975 feet southeast of the nearest wind turbine (WTG 16), and was modeled at 42 dBA.
- ◆ ID #325 – County Road 61, Greenwood. This location is approximately 2,107 feet southeast of the nearest wind turbine (WTG 5), and was modeled at 44 dBA.
- ◆ ID #337 – County Road 60, West Union. This location is approximately 1,531 feet south of the nearest wind turbine (WTG 9), and was modeled at 43 dBA.
- ◆ ID #466 – Coleman Road, West Union. This location is approximately 1,694 feet southeast of the nearest wind turbine (WTG 18), and was modeled at 42 dBA.
- ◆ ID #505 – Lewis Road, West Union. This location is approximately 2,151 feet northeast of the nearest wind turbine (WTG 29), and was modeled at 42 dBA.

Proposed Measurement Equipment

The wind speeds during the sound study are important. The ground level wind speed has a direct influence on the sound levels, and is limited to 5 m/s (~11 mph) by ANSI 12.18 Method #1. Ground level wind speed data will be continuously measured at 2 meters above ground level (AGL) at three of the six locations. These wind speed locations will be coincident with sound level locations. Wind speed data will be logged every 60 minutes.

Equipment which will be used for this program will include ANSI S1.4-1983 Type 1 Sound Level Meters. The microphone will be mounted at approximately 1.2 meters AGL in accordance with Section 7.4.1 of ANSI S12.9-1992/Part 2 (R2013). This instrument has data logging capability and will be programmed to log statistical data every 60 minutes. One second time history data will be collected as well. Audio recordings may also be collected at each site. The instruments will measure one-third octave bands and A-weighted (dBA) data. The following metrics will be measured at a minimum: L_{eq} , L_1 , L_{10} , and L_{90} .

Duration of Testing

Sound levels will be measured for at least 14 consecutive days in accordance with the guidance suggested by NARUC (2011). The testing will be done twice within the first 12 months following commercial start-up: once during leaf-on (generally during the months of June to September), and once during leaf-off conditions (generally during the months of December to March). This will capture a wide range of wind speeds and thus potential sound level conditions. Background during the program may be established through brief wind turbine shutdowns. A “turbine only” sound level could then be calculated by subtracting background from the total sound measurement.

Reporting

Following completion of the each seasonal survey, a technical report showing the “as-built” sound levels from the wind energy facility will be prepared. As recommended in Section 5.1.8 of NARUC 2011, the L_{90} will be the metric used for project compliance testing. The “turbine only” L_{90} sound levels will be compared to the project compliance standard of 45 dBA.