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DUPLICATE LETTER

Date: September 22, 2009

To: Ohio Power Siting Board

PUCO

From: Gaylon D. Smith
5544 State Route 540
Bellefontaine, Ohio 43311

Re: Case # Case No. 08-1024-GE-ORD; Wind Turbine Siting Regulations for the State of Ohio, Chapter 4906-17

Dear OPSB Member:

Before you read the material below allow me to introduce myself. My name is Gaylon Smith. My wife Kim and I have 9 children, 5 of whom are still at home. I am employed as the Director of Marketing for a fertilizer company based in Michigan and conduct the majority of my business from an office in my home. My responsibilities include strategy, brand positioning, and communications for one of the fastest growing companies in the country in one of the most impactful industries in the world. I am dedicated to working with regulatory agencies, other manufacturers, retailers, varied industries and individuals to insure a stable world food supply that is sustainable and environmentally sound. The company that I work for promotes "Responsible Nutrient Management" from the manufacturer of Agricultural inputs to the cultural practices employed by the producer. I understand the need for the development of sustainable energy and the God given responsibility that we all share to be good stewards of the resources that we have been so blessed as a nation with.

I have seen the vast wind farms in the west that are miles from the nearest homes, I have promoted the development of wind energy in a small community in Iowa where we formerly resided, I have watched feuds develop between life-long friends because of this issue, and whether I personally believe this energy source is sustainable in the long term- I believe that as a nation we must pursue these alternative sources of energy. But at what cost?

Three years ago we purchased 11 acres on top of a hill overlooking a valley through which State Route 540 runs about 3.5 miles east of Bellefontaine. We built a large home in the middle of that land with the intention of country living to raise our kids remaining at home, and land to possibly make available for our grown kids to someday develop. We assumed a \$ 400,000 mortgage to accomplish this. Now, our beautiful, quiet, country neighborhood has become a political bloodbath encouraged by corporate opportunism and environmental extremism. It is sad that neighbors choose to be at odds with each other and I have remained neutral trusting that common sense would prevail.

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I believe that what is articulated within this letter represents common sense. I, just like the landowners that have right to use their land for wind development if they qualify, want to be able to use every inch of my land for whatever purpose I am able. I don't want to have to sleep at night with my windows closed because of the "gentle swoosh, swooshing" of a turbine somewhere down the valley. I don't want to expose my kids to even a remote possibility of danger of flying ice or debris (I realize that there is more chance of getting hit by a falling tree on my land than getting hit by a projectile originating from a turbine blade, but I chose to live with the trees and I can remove dangerous branches with my chain saw. Probably not an option with a turbine blade.) I don't want to wake up some morning and say, gee I guess there really is "blade flicker" better keep the shades drawn until noon. My wife and I enjoy sitting out on our front patio area and drinking coffee, planning our day- how we can positively impact those around us, and watching the birds and deer in the valley, kids playing in the yard, and the neighbor's cattle across the fence. That vision is shattered by the thought of Don Quixote's giants constantly waving at me.

We are rational people with a deep care and love for our country and the people around us. After observing this for 2 years I have concluded that the one element of our environment that has had the least consideration given to it is the human element. Given that consideration I affix my signature below.

I ask you, as those given authority to influence our future for the good or bad, consider carefully the many households per square mile of Logan County both for and against this development, and remember the stake that we have in this grand experiment.

I would like to go on record as expressing both these questions and comments regarding the referenced OPSB case.

Regarding section: 4906-17-08. SOCIAL AND ECOLOGICAL DATA.

A. 2. B. EVALUATE AND DESCRIBE THE OPERATIONAL NOISE LEVELS EXPECTED AT THE NEAREST PROPERTY BOUNDARY, UNDER BOTH DAY AND NIGHT TIME CONDITIONS. THE APPLICANT SHALL USE GENERALLY-ACCEPTED COMPUTER MODELING SOFTWARE OR SIMILAR METHODOLOGY, INCLUDING CONSIDERATION OF BROADBAND, TONAL, AND LOW-FREQUENCY NOISE LEVELS.

The setback regulations need to include a limit for noise emissions from the operation of industrial wind turbines to protect neighboring properties from unduly being physically or financially harmed due to excessive noise emissions. This is a heavily populated rural residential area (79 homes per square mile). Wind turbine sounds are not comparable to the more common noise sources of occasional vehicles, aircraft, rail and industry. Several scientific studies have shown that annoyance to wind turbine sounds begins at levels as low as 30 dBA. This is especially true in quiet rural communities that have not had previous experience with industrial noise sources. The western Ohio county in which I live (Logan), has documented long term background sound levels in the range from less than 20 dBA (L90) to about 30 dBA (L90), with background levels generally in the low 20 dBA range. Noise in these hills travels for miles under the right weather conditions, and there are no other ambient noises to mask or otherwise ameliorate the sound emissions from the proposed wind turbine projects.

I ask that the following recommendation be considered as maximum allowable noise emissions requirements to be measured from the nearest property line:

International Standards Organization (ISO) in ISO 1996-1971 recommends 25 dBA as the maximum night-time limit for rural communities. As can be seen in the table below sound levels of 40 dBA and above are only appropriate in suburban communities during the day and urban communities during day and night. There are no communities where 45 dBA is considered acceptable at night.

ISO 1996-1971 Recommendations for Community Noise Limits			
District Type	Daytime Limit	Evening Limit 7-11pm	Night Limit 11pm-7am
Rural	35dB	30dB	25dB
Suburban	40dB	35dB	30dB
Urban residential	45dB	40dB	35dB
Urban mixed	50dB	45db	40dB

For noise reference see also the George W. Kamperman and Richard R. James report presented at the Noise Conference 2008, "Simple Guidelines for Siting Wind Turbines to Prevent Health Risk."

Regarding section: **4906-17-08 SOCIAL AND ECOLOGICAL DATA.**

(C) ECONOMICS, LAND USE AND COMMUNITY DEVELOPMENT, 1) LAND USES.
THE APPLICANT SHALL: C. ECONOMICS, LAND USE AND COMMUNITY DEVELOPMENT.
(ii) THE WIND TURBINE SHALL BE AT LEAST SEVEN HUNDRED FIFTY FEET IN HORIZONTAL DISTANCE FROM THE TIP OF THE TURBINE'S NEAREST BLADE AT NINETY DEGREES TO THE EXTERIOR OF THE NEAREST, HABITABLE, RESIDENTIAL STRUCTURE, IF ANY, LOCATED ON ADJACENT PROPERTY AT THE TIME OF THE CERTIFICATION APPLICATION.

This regulations needs to be changed to coincide with several scientific studies recommendations, most notably the National Academy of Science's recommendation that no industrial wind turbine be sited closer than 3200' of a neighboring property line. In any case, the distance must be measured from the property line and not from the dwelling. To measure from the adjacent dwelling would essentially rob the neighboring and owner full potential and use of his property at the expense of the wind turbine lease/landowner.

The measurement of 3200' should also be applied to other sections of **Chapter 4906-17** that reference setback or distances; and request a technical justification for any request for consideration of reduction in written safety guidelines

Additional areas of concern that I do not believe have been adequately addressed and need requirements prescribed are:

1. Protection of ground water wells from blasting (glacial ridge of limestone and karst in this area)
2. Protection of streams and adjacent properties and ponds from runoff during construction and as a result of permanent deforestation and removal of vegetation.
3. How will the OPSB use alternative site data in their analysis? Are equal or better winds in a less populated area to be factored into the application approval determination?
4. Will OPSB acquire a database of manufacturer/model or documentation to have on file for comparison to those turned in with project siting applications? If recommended distances change, will the OPSB (and OSHA) further analyze the reasons for the change, perhaps through an independent (and unbiased) mechanical engineering firm?
5. If it is found that safety distances were not disclosed during permitting, and inappropriate sites are permitted, what is the statutory recourse/penalty after the turbines are built?
6. What criteria/determinant will be used for noise sensitive-areas within one-mile of the proposed facility? And who will monitor to ensure compliance? Can permits be revoked for non-compliance?
7. To within what distance from the wind facility are applicants required describing equipment and procedures to mitigate the effects of noise emissions from the proposed facility during construction and operation?
8. We understand that OPB has stated that any safety distance (i.e. "do not linger" zone) guidelines in a turbine manufacturer's documentation will SUPERCEDE any state mandated minimum setbacks. Please include language to ensure the manufacturer(s) and their insurer(s) guarantee they will provide any such safety references in their applications.
9. Do not permit turbine siting to cause shadow flicker on adjacent properties.
10. This area is a haven for wildlife, and they need to be considered with regard to protecting the adjacent lands to ensure their native wildlife will not be disturbed, including the many commercial hunting, fishing and recreational properties.
11. Please tell me how the non-turbine properties will be protected from indiscriminate public domain seizure for transmission lines to transport questionable wind energy production.
12. For application requirements under land uses – regarding the map of 1:24,000 scale indicating general land uses, depicted as areas on the map, within a five-mile radius of the site, including such uses as residential and urban, manufacturing and commercial, mining, recreational, transport, utilities, water and wetlands, forest and woodland, pasture and cropland, who will determine current and potential future land uses? Who verifies the accuracy of that information?
13. Considering blade shear and ice throw, that measurement should be increased substantially – to the NAS's suggested 3200' setback.

14. Under section C,1. Land uses—please explain more fully how these are to be audited before and after construction for content and accuracy:

- (a) estimate the annual total and present worth of construction and operation payroll.
- (b) estimate the construction and operation employment and estimate the number that will be employed from the region.
- (c) estimate the increase in county, township, and city tax revenue accruing from the facility.
- (d) estimate the economic impact of the proposed facility on local commercial and industrial activities.

15. Should the proximity of wind turbines cause our property values to decline – can the state guarantee we will be reimbursed for the difference...or a buyout if our homes cannot be sold within a reasonable amount of time? Many in our area are having their homes appraised in advance of wind turbines. Please add a requirement for a site-specific study of home sales – past and projects values and for permits for new home construction and remodeling – past and projected

16. Under C, 1, D – G, please explain what impacts are to be estimated, and how that data's content will be validated.

17. Permit no communications or any type of communications signal receiving devices to be attached to these structures at any times.

18. Please answer questions regarding the following:

Section e. Public responsibility. The applicant shall:

(1) describe the applicant's program for public interaction for the siting, construction, and operation of the proposed facility, i.e., public information programs. Who will verify?

(2) describe any insurance or other corporate programs for providing liability compensation for damages to the public resulting from construction or operation of the proposed facility. Who will monitor, enforce or mediate?

(3) evaluate and describe the potential for the facility to interfere with radio and tv reception, and if warranted, describe measures that will be taken to minimize interference. Who will monitor, enforce or mediate?

(4) evaluate and describe the potential for the facility to interfere with military radar systems, and if warranted, describe measures that will be taken to minimize interference. Who will monitor & enforce or mediate?

(5) evaluate and describe the anticipated impact to roads and bridges associated with construction vehicles and equipment delivery. Describe measures that will be taken to repair roads and bridges to at least the condition present prior to the project. Who will enforce or mediate?

(6) describe the plan for decommissioning the proposed facility, including a discussion of any financial arrangements designed to assure the requisite financial resources. Who will monitor, enforce or mediate?

Instead of having the wind companies provide their own versions of the proof/evidence the OPSB requires, and since studies such as those done by NREL are clearly defective, why does the State of Ohio not conduct their own independent studies on impacts on the environment, community health, property use, property values, enjoyment of chosen lifestyle, wildlife, preservation of roadways, non-interference with adjacent properties, nuisance, damages to people & their properties before any wind turbines are permitted or erected?

Before these draft regulations become law, please visit our community to try to better understand my reasons for concern.

Your reply is requested.

Sincerely,



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Copy: Public Utilities Commission of Ohio; Ohio House of Representatives Public Utilities Committee; Ohio House of Representatives Alternative Energy Committee; Ohio Senate Energy and Public Utilities Committee