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April 26, 2007

Judith Enck
Deputy Secretary for the Environment
Office of Governor Eliot Spitzer
State Capitol
Albany, NY 12224

Dear Judy,

I am writing about Governor Spitzer's recent announcement of support for Article X reform, and particularly about one small element of the Governor's proposal, the consequences of insufficiently critical promotion of wind power.

It takes 60 industrial 1.5 megawatt wind turbines, each 400 feet high producing intrusive noise levels as far as one mile away to produce 90 megawatts of power—theoretically. In fact, because wind is intermittent and thus unreliable, at best only 20 percent of that rated capacity can be achieved. Thus five wind farms with 60 turbines will be required to produce 90 megawatts and, as Europe has learned, due to its unreliability the need for convention power plants will not be lessened by wind power.¹ As the Governor notes, a moderate-size conventional power plant generates 14,500 megawatts.² That means 805 industrial wind plants, each with 60 turbines, will be required to produce the energy generated by a conventional power plant.

What landfills were in the 1970s, 1980s and 1990s (New York has since enlarged the permitted size of its commercial landfills rather than sited new ones), industrial wind farms are today. Every community in New York where a wind farm proposal has been made has formed a concerned citizens group, and now regional watchdog groups have formed to counter the misinformation of the industry, which covets the federal Production Tax Credit for wind, providing about half the cost of each \$2 million turbine installation. Benefitting additionally from the 15-year tax exemption for wind in New York, the fast-tracking of wind power plants began running roughshod over rural communities two years before the Governor took office. Now

¹ In 2004, the New York System Independent Operator (NYSIO), a non-profit corporation managing the state's electricity grid, commented to the Federal Energy Regulatory Commission that new wind power facilities pose reliability issues, requiring greater flexibility on the part of system operators like NYSIO. See NYSIO, *Comments on American Wind Energy Association's Petition for Rulemaking*, FERC Docket RM02-12-000 et al. (September 20, 2004).

² Governor Spitzer, "A Clean Energy Strategy for New York" (April 19, 2007).

NYSERDA and PSC will offer millions more.³

What's wrong with this picture is that the host communities are not in the picture. Public interest lawyers like myself, Bob Cohen, Richard Lippes, Art Giacalone and Drayton Grant have taken cases for citizens groups against towns wooed by false claims of the wind industry and against the environmental impact statements wind power companies offer, but as with landfills, that route promises little success. Once a polluting industrial project finds a permissive political and regulatory climate, it's usually too late to do anything about it.

New York is not an ideal environment for the development of wind energy because the rural areas, in contrast to the western United States, are highly populated. A public health risk is created by the sound levels generated by industrial wind turbines. While the gearbox has been engineered to run more quietly than earlier turbines, the increased size of new turbines results in noise-generating air displacement that has more than offset mechanical sound reduction. A recent, unbiased analysis of the latest research on sound generated by the newest generation of wind turbines by the UK Noise Association recommends a minimum setback of one mile from homes to avoid the risk of chronic sleeplessness and resulting serious health effects. In light of growing complaints about noise from wind farms, European officials are redirecting the development of wind energy off shore.

A consistent M.O. of wind power companies has emerged: first they urge the host town to enact a local law with setbacks from homes of about 1,000 feet and noise limits of about 50 dbA (neglecting altogether nighttime noise impacts: this is the level of normal conversation in a small room), promising the town board about a quarter-million dollars in a PILOT agreement, a fraction of what it would pay if taxed at its assessed value. In return, the town board issues a negative declaration as lead agency under SEQRA, deferring any meaningful look at the potential impacts of such short setbacks and high noise limits till later, when a project application comes in pursuant to the local law. By then, the town will be loathe to deny approval of a project application that complies with the noise levels and setbacks. And the town will be lead agency for the DEIS, relegating other involved agencies to restricted review.

I approve of almost everything in the Governor's proposal for Article X reform. But a new Article X must include siting restrictions on wind power plants informed not by the industry's facts, but by a scientific and public health approach to noise pollution in areas where people live

³ Id. ("NYSERDA and the PSC will announce the approval of 21 contract awards for clean, renewable power plants . . . total[ing] approximately \$295 million"). NYSERDA says 19% of New York's electricity already comes from renewable energy sources, and of the remaining six percent needed to reach the goal of 25% renewable energy, wind energy can "supply a significant portion."

precisely for peace and quiet. It will not do to rely on project-specific DEIS's offered by a wind power company to a rural community with insufficient resources to obtain expert review of what is offered. This is an instance where failure to set sufficiently protective ground rules will allow the market to trample the weakest communities. There will be no wind farms in Westchester County, but there are already wind farms and wind farm proposals all over rural upstate New York.

Those of us who have come up from the trenches must not forget to listen to new voices that come from the trenches. I urge you to take twenty minutes out of your day to listen to some of those voices on the enclosed DVD.

Respectfully submitted,

/s

Gary A. Abraham

gaa/encs:

UK Noise Association, "Location, Location, Location: An investigation into wind farms and noise," July 2006 (on enclosed DVD under folder "UKNA").

Saveupstateny.org, "Life Under a Wind Farm," 2006 (DVD).

Subject: Re: wind energy and Article X, correction
From: "Gary A. Abraham"
Date: Fri, 04 May 2007 08:45:16 -0400
To: Judith.Enck@chamber.state.ny.us

Judy,

Thanks. Please keep this correction in mind: I refer to a statement in the Governor's 4-19-07 speech, that "14,500 megawatts [is] equivalent to the output of one moderate-sized power plant." I then point out 805 wind farms would be required to produce that much energy. However, one moderate-sized power plant does not produce 14,500 MW.

The NY Power Authority operates 17 power plants with a total installed capacity of about 6,100 MW <<http://www.nypa.gov/press/2004/040512a.htm>>. The largest coal-fired power plant in NY, Niagara Mohawk's Huntley plant, has a 336 MW <<http://www.industcards.com/st-coal-usa-ny.htm>> capacity. And the Indian Point 3 nuclear power plant has a capacity of 970 MW, the Fitzpatrick nuclear power plant is 820 MW <http://www.eia.doe.gov/cneaf/electricity/ipp/ipp_sum.html>.

Thus I should correct my statement to: If a conventional power plant produces 300 MW, then it will take at least 16 wind farms with 60 turbines each to replace it. Not 805.

--Gary

Judith.Enck@chamber.state.ny.us wrote:

Reading it this weekend

----- Original Message -----

From: "Gary A. Abraham" [gabraham44@eznet.net]

Sent: 05/03/2007 03:34 PM AST

To: Judith Enck

Subject: wind energy and Article X

Judy,

Any reactions to my letter of 4-26?

--Gary

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