



Department of Health

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Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

October 31, 2016

David Gil
Eight Point Wind, LLC
700 Universe Boulevard
Juno Beach, Florida 33408

**RE: Case No. 16-F-0062: Preliminary Scoping Statement for the
Eight Point Wind Energy Center**

Dear Mr. Gil:

The New York State Department of Health ("the Department") has reviewed the Preliminary Scoping Statement (PSS) for the Eight Point Wind Energy Center, a proposed up-to 102 MW wind powered electric generating facility located in the Towns of Greenwood, Troupsburg and West Union in Steuben County, New York.

We believe that the attached comments developed by Department of Health Staff, pertaining primarily to potential public health concerns associated with the proposal, will assist in developing an application that will fully address the needs of the local communities and the public more generally.

Thank you for your consideration of these comments; we look forward to your response and to continued discussion on these important issues. Should you have any questions, please do not hesitate to contact me by email at Richard.Thomas1@health.ny.gov or by phone at (518) 473-1403.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Thomas", followed by a horizontal line.

Richard Thomas
Assistant Counsel
Bureau of House Counsel

Cc: Honorable Kathleen H. Burgess
Service List

New York State Department of Health
Staff Comments on Preliminary Scoping Statement

- 1) Four wind farms are currently operating in Steuben County, with two further wind farms proposed, including the Eight Point Wind Energy Center project. The Department of Health (“Department”) recommends that the application address the potential for cumulative impacts of wind facilities located within the “study area” (defined in 16 NYCRR § 1000.3 as including an area within a radius of at least five miles from all facility components).
- 2) Section 3.06.1 of the Preliminary Scoping Statement (“PSS”) contains a table of setbacks and local ordinances for three of the four towns where the project will be located. Department of Public Service regulations, in 16 NYCRR § 1001.6, also require that Exhibit 6 of the application explain the rationale for these setback distances. The application should contain adequate information to allow a determination to be made that such setbacks are based on consideration of relevant and up to date information (e.g., turbine characteristics similar to those of the proposed facility). The PSS should indicate that this required information will be presented in the application.
- 3) 16 NYCRR § 1001.9 requires an evaluation of the comparative advantages and disadvantages, including with regard to public health, of any reasonable and available alternate location sites for a proposed facility. The PSS indicates that there are no other alternative locations under consideration, but that alternative project designs will be considered. Public health considerations should be evaluated for the alternative designs.
- 4) Section 3.15 of the PSS presents the scope of the application’s evaluation of public health and safety impacts associated with the construction and operation of the Eight Point Wind Energy Center (Exhibit 15). 16 NYCRR § 1001.15 describes the breadth of short- and long-term public health and safety impacts that must be identified, described, discussed, and possibly monitored for Article 10 projects. For wind power facilities, blade throw, tower collapse, audible frequency noise, low-frequency noise, ice throw and shadow flicker, and other impacts must be evaluated in the application.

The PSS indicates that the application will include a site-specific shadow flicker analysis, but that setbacks and turbine sensors will adequately mitigate any potential health and safety impacts. The application should include sufficient information, analyses and documentation to support the position that relevant local setbacks are sufficient to address any potential public health impacts, as well as the potential for cumulative impacts associated with multiple turbines within the study area.

The applicant should also be aware that Steuben County Department of Health is a partial service county health department and therefore environmental health services (i.e., public/private water supplies, on-site sanitation) are handled by the New York State Department of Health, Hornell District Office or local municipal code enforcement officers. In order to fully evaluate any effects on communication services, particularly with respect to emergency services, we suggest the applicant consult with Steuben County Office of Emergency Services and the Steuben County Sheriff's Office.

Additionally, Exhibit 15 of the application must include an evaluation of potential public health impacts associated with audible and low-frequency noise impacts, in addition to the requirements identified for Exhibit 19 (Noise and Vibration). Any potential for cumulative impacts associated with multiple wind farms in the study area should also be evaluated. We also recommend that predicted audible noise impacts at receptors be presented in comparison to the World Health Organization's 2009 Night Noise Guidelines¹, among other guidelines, to prevent health impacts and annoyance.

5. Section 3.19 of the PSS presents the elements of Exhibit 19 (Noise and Vibration) that will be included in the application. The application should also compare the results of the noise and vibration studies and predictions to existing health-based guidelines, and the World Health Organization's 2009 Night Noise Guidelines, which recommends that people not be exposed to night noise levels greater than 40 dB to protect public health.
6. Section 3.21 presents project information for the site's geology, seismology and soils. 16 NYCRR § 1001.21 indicates that this section of the application should also assess the potential impacts of blasting to environmental features, above-ground structures and below-ground structures such as pipelines and wells, including those used for drinking water. The PSS did not contain any indication that this assessment would be conducted.
7. Section 3.23 describes the scope of the application's evaluation of impacts to water resources and aquatic ecology and Figure 14 presents preliminary information on the location of water wells. This section indicates that the applicant will work with Steuben County Department of Health and the NYS Department of Environmental Conservation to identify water well information. As stated previously, Steuben County Department of Health is not a full-service health department. Therefore, we recommend the applicant work with staff from the NYS Department of Health, Hornell District Office, NYS Department

¹ WHO (World Health Organization). 2009. Night Noise Guidelines for Europe. Denmark. Available on-line at: http://www.euro.who.int/_data/assets/pdf_file/0017/43316/E92845.pdf

of Environmental Conservation, Avon Office, and local municipalities to identify these water resources.

8. Section 3.24 of the PSS presents the elements of the visual impact assessment to be included in the application and Figure 16 graphically presents the locations of the visually sensitive resources to be evaluated. It appears that there are very few visually sensitive resources within the study area. The applicant should confirm that there are no residential receptors within the study area that should be evaluated as visually sensitive resources in this section. 16 NYCRR § 1001.24 requires that Exhibit 24 include identification of visually sensitive resources, viewshed mapping, confirmatory fieldwork, simulations, cumulative visual impact analyses (including shading, glare and shadow flicker) and impact mitigation. Because of the other existing wind farms in the area, the application should include a cumulative assessment of visual impacts, including night-time lighting, which could be synchronized to minimize impacts.
9. Section 3.25 presents the effects of construction and operation of the facility on transportation. This section should also evaluate the potential for accidents and temporarily increased air emissions associated with construction of the facility. The applicant should develop a plan to mitigate or minimize these impacts, if necessary.
10. Section 3.26 of the PSS presents the application's evaluation on communications. We suggest the applicant consult with Steuben County Office of Emergency Services and the Steuben County Sheriff's Office in order to fully evaluate any effects on emergency services communications.
11. Section 3.32 presents relevant state laws and regulations pertaining to the project. Should the need arise for any temporary housing facilities, drinking water and sanitation systems, the applicant should list the appropriate Department of Health regulations in this section.