



Department of Health

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Executive Deputy Commissioner

August 31, 2016

Kevin Sheen
Baron Winds, LLC.
1251 Waterfront Place, 3rd Floor
Pittsburgh, PA 15222

**RE: Case No. 15-F-0122: Preliminary Scoping Statement for the
Baron Winds Project**

Dear Mr. Sheen:

New York State Department of Health staff reviewed the Preliminary Scoping Statement, prepared by Environmental Design & Research on behalf of applicant EverPower Wind Holdings, for the Baron Winds Project. Baron Winds is a proposed 300 megawatt wind farm in the Towns of Avoca, Cohocton, Dansville, Fremont, Howard, and Wayland (Steuben County).

We believe that the attached comments developed by the Department of Health, 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 generally.

Thank you for your consideration of these comments; we look forward to the applicant's 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,

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) As an initial note, the Preliminary Scoping Statement (PSS) indicates that the application will include assessments of potential public health impacts associated with visibility, lighting, shadow flicker, sound, blade/ice throw, tower collapse, and others. The Department looks forward to receiving more details during the course of the application process, and will scrutinize the final application to ensure that the project is compatible with public health and safety.
- 2) The proposed Baron Winds Project would be a large wind energy project, and would be sited in Steuben County where a number of other wind energy projects are already located. The application should include a discussion of the potential for cumulative effects (e.g., noise, vibration, visual, etc.) associated with the large number of turbines involved in the Bull Run project and considering the multiple wind farms already sited in Steuben County.
- 3) Section 2.6 of the PSS states that four of the six towns impacted by the Baron Winds Project have local laws pertaining to wind farms which include setback distances. The PSS also indicates that setbacks for turbine siting are sufficient to address most safety and health concerns, however, the application will contain site-specific analyses to evaluate potential impacts. The site-specific analyses included in the application should demonstrate that health, safety and annoyance impacts will be mitigated by proper siting, including turbines sited within the two towns that do not have local laws pertaining to wind farms.
- 4) Section 2.15 presents the public safety and health impacts that will be evaluated in the application. An analysis of shadow flicker is appropriately included as part of that evaluation, however the PSS indicates that only “non-participating” residences are included in the list of sensitive receptors, but will not include participating households. While we recognize that participating households will receive compensation for their participation, they will nevertheless be affected by potential shadow flicker. The impact of the project on participating households, including seasonal residences, should be considered more fully, or justification should be provided for excluding them.
- 5) With respect to the discussion of noise impacts in Section 2.15, we are encouraged that the applicant will consider the World Health Organization’s 2009 Guidelines for Night Noise, among

other guidelines.¹ However, the applicant should cite the document and include it in the reference list (as well as other cited works).

- 6) This proposal for up to 120 turbines will involve considerable construction activities distributed throughout the impacted communities. The PSS does not indicate that potential health impacts associated with increased automobile and truck traffic during construction will be evaluated. The application should include an evaluation of the potential effects of construction-related traffic on public health and safety, including the impact of increased noise, reduced air quality and greater risk of traffic accidents.

- 7) The PSS indicates that applicant requested information (via Freedom of Information Act) from Steuben County Department of Health (SCDOH) on the location of public water systems or intakes. SCDOH is a partial service county health department. As such, it is not the custodian of the requested information. Please direct your request to the New York State Department of Health, Records Access Office.² Additionally, the PSS indicates that the applicant will work with SCDOH for any required wastewater or sanitation treatment systems, which will require approval by a NYS licensed professional engineer. For these matters, the applicant should work with the local municipal code enforcement offices. Finally, 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 Sherriff's Office.

¹ World Health Organization, *Night Noise Guidelines for Europe* (2009) available at www.euro.who.int/en/health-topics/environment-andhealth/noise/publications/2009/night-noise-guidelines-for-europe.

² See <https://www.health.ny.gov/regulations/foil/>