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* * * FOR IMMEDIATE RELEASE* * *

COMMUNITY ORGANIZATION TO APPEAL WIND LAW DECISION

Clear Skies Over Orangeville has begun the process of appealing a decision by Acting Wyoming County Supreme Court Justice Partick NeMoyer last month, which rejected CSOO's claim that the Town of Orangeville's decision to allow wind turbines to make 50 decibels of noise at people's homes was improper. The town and the developer, Invenergy, which operates the High Sheldon Wind Farm adjacent to Orangeville, received notices of the appeal last week.

“We showed that background sound levels in area where Invenergy plans to site turbines are about 25 decibels, and the state environmental agency (DEC) classifies sound increases more than 20 decibels as 'intolerable,’” according to the group’s attorney Gary Abraham. “That should be enough to cause a court to make the town analyze the impact of adopting a 50 decibel noise limit. We're hopeful that a fresh look at the case by the appeals court will have that result,” said Abraham.

Meanwhile, Invenergy has submitted an application for approval under the town's new noise standards. In fact, they submitted their application within two weeks of the law's adoption last fall. However, things are not going smoothly for the wind farm developer.

Several environmental agencies are balking at the application, including DEC, U.S. Fish & Wildlife Service and the Army Corps of Engineers. While noise is not regulated by these agencies, impacts on wildlife and wetlands is. The agencies are questioning whether Invenergy has studied the area adequately to ensure impacts to Bald Eagle and other birds and bats have been avoided, and whether wetlands and the Attica Reservoir would be harmed by clear cutting, blasting and road building nearby.

Clear Skies’ member Steve Moultrup noted, “the amount of electricity wind farms generate is not enough to offset a measureable amount of pollutants from conventional power plants, so the obviously intrusive nature of a wind farm should come under more scrutiny by the agencies.”

Most of the members of the Orangeville town board have family members who have leased land to Invenergy, and Clear Skies' lawsuit also claims this created conflicts and bias that require alternates to vote on wind farm standards. Judge NeMoyer found that the conflicts were too indirect to order another vote on the local wind law. “The state Attorney General has an ongoing investigation of wind companies' tactic of buying land rights from local officials to further their projects, and in Orangeville that happened in spades. What does it take to make government honest?” asked Moultrup.

Contact Gary Abraham, Esq., at (716) 372-1913, or <<http://www.csoo.info/>>.