

Incorrect Information in SWCA Noise Technical Report Rancho Viejo Solar Project

1) No actual monitoring of Ambient Levels - Per Page 8 of the Noise Technical Report Rancho Viejo Solar Project included in AES's new Conditional Use Permit Application, SWCA used a guide published by ANSI (the American National Standards Institute) to come up with "approximate" decibel levels for the proposed area of the solar facility.

They used estimates instead of doing what any acoustical study would do which is actually set up sound metering equipment at the property lines of the three locations of the three neighborhoods to be impacted and do a 24hr. sound study measuring the actual dBA levels in those locations which would cover both daytime and nighttime dBA levels per Santa Fe County's SLDC under 7.21.4 which have different maximum dBA levels set by the code.

SWCA simply made "estimates" of daytime and nighttime decibel levels of 42 dBA for nighttime and 48 dBA for daytime levels. That is why sound levels in their report say "estimates" and "approximately" 42 dBA and 48 dBA. We have taken some actual dBA meter readings in the proposed area and they are much lower than what SWCA estimates (32 dBA – 35 dBA and this was from a reading at 7 pm when later in the night and early morning would be even lower).

We are not asking the County to accept our dBA levels as we know that an actual 24 hour meter reading study needs to be done by an independent, third party consultant not hired by AES but the County as provided for in your own County Resolution that provides you with the ability to hire independent, third party experts to do the proper studies and charge these costs back to AES.

The County's SLDC section 7.21.4 even states the way the ambient readings need to be done for both daytime and nighttime:

"Any actual or projected measurement that exceeds **the average conditions calculated over a thirty (30) minute period, at the property line**, of the limits shown in Table 7-21 shall be grounds for denial of a development application or imposition of noise mitigation efforts sufficient to ensure that the development will not exceed the applicable noise limits.

2) SWCA used wrong noise maximums from the SLDC – another major issue in SWCA's Noise Technical Report is that they did not even get the County's SLDC noise code requirements correct. These limits are under 7.21.4 of the SLDC. According to the SLDC, this area falls under the "All Other Districts" zoning district.

SWCA incorrectly says the limits are:

Daytime

55 dBA, or 10 dBA above ambient; whichever is less

Nighttime

45 dBA, or 5 dBA above ambient; whichever is less

And the slide in the AES presentation of 8/22/24 had the wrong noise code and even deleted the reference to the most important phrase "**whichever is less**" as the sound limits must be tied to the actual ambient readings.

The actual SLDC limits are:

Daytime:

55 dBA, or 5 dBA above ambient; whichever is less

Nighttime:

45 dBA, or 5 dBA above ambient; whichever is less

There is actually a very large difference between 5 dBA and 10 dBA and this is another glaring issue in this noise study by SWCA.

I have been in contact with an acoustical firm, MD Acoustics, in Arizona who does these type of sound metering studies and they looked at the SWCA study and said SWCA did no actual metering for the decibel levels in the proposed area and shared a sample of what the ambient sound readings should look like. I am sending you a copy of this email from Mike Dickerson at MD Acoustics separately.

The county's maximum limits are based clearly and solely on the ambient levels that currently exist in the area so no statement by SWCA that the addition of equipment to these "estimated" ambient levels would not exceed this code can be viewed as correct or trustworthy as they did no actual measuring of the ambient levels. If the ambient dBA for that location is as low as we think it is, 20's and 30's, the addition of the equipment in the facility in all likelihood will exceed the maximum noise limit set under the SLDC.

The importance of accurate ambient level readings at the property line of the three neighborhoods can not be overstated. Your county SLDC states under 7.21.4:

"Noise. Any actual or projected measurement that exceeds the average conditions calculated over a thirty (30) minute period, at the property line, of the limits shown in Table 7-21 shall be grounds for denial of a development application or imposition of noise mitigation efforts sufficient to ensure that the development will not exceed the applicable noise limits. The Administrator may require a noise study to be conducted whenever it is determined that the use proposed in the development application may exceed the noise limits."

3) ANSI categories used for even their estimates differ between the Noise Study and EIR. The dBA levels in the SWCA Noise study page 8 under 2.2.1 Existing Sound Levels are different than those noted on page 3-50 of the Environmental Impact Report.

The information in the Noise Study on page 8 states they used the **ANSI Category 5 – Quiet Suburban Residential Areas** with an ambient daytime noise level of approximately **48 dBA** and an ambient nighttime noise level of approximately **42 dBA**.

The information in the Environmental Impact Report (EIR) states they used the **ANSI Category 6 – Very Quiet, sparse suburban, or rural areas** with an ambient daytime noise level of approximately **43 dBA.**” There is no ambient nighttime noise level mentioned for this Category 6 but it would be lower than the 42 dBA they claim.

So it is not clear which category they did use for their “estimates” – most probably the Category 5 -- but from the descriptions of these areas the facility location would definitely be considered rural and very quiet with lower dBA’s. This area is zoned Rural Fringe not Suburban.

Given all these discrepancies in the SWCA study, no actual ambient readings and the very real likelihood of the facility exceeding the maximum SLDC noise limits, we now call on the County to immediately hire a third party, independent expert to do the actual 24 hour ambient level readings required the SLDC to be done at the property line of the three neighborhoods to be impacted by the facility – Rancho San Marcos, Eldorado and Rancho Viejo.

This independent, third party expert will also need to use this ambient level information to review all the equipment dBA levels that SWCA indicated would be

added on top of the ambient levels to come out with the corrected, final dBA levels that would be generated by the facility in daytime and nighttime. The expert needs to state whether AES will exceed the maximum noise level once accurate, actual ambient level readings are done by a qualified acoustical firm. SWCA has no basis to say they will not exceed the SLDC limits when they did not perform the actual ambient readings for day and night in the area.

This is a serious violation of the SLDC that the County is legally required to ensure was followed accurately to ascertain the actual ambient sound levels and properly add all the additional equipment that will be generating much more additional sound on top of the ambient levels 24 hours per day.