

Alle-Catt Caught in A Trap As New York's Climate Bureaucrats Let It Build Wind Turbines It May Not Be Able to Operate!

Roger Caiazza

JUL 24, 2026

♡ 9

💬 3

🔄 4

Share

...

Guest Post by Roger Caiazza of *Pragmatic Environmentalist of New York*.

During my career as an air pollution meteorologist, I have done many air quality assessments for new or existing permits. That process is rigidly quantitative. The agencies and the applicants must follow specific assessment protocols to determine whether the facility meets specific numerical limits.

If the facility cannot meet those limits the permit to construct or continue to operate cannot be granted. Period.

This post documents the situation for the *Alle-Catt Wind Energy Center* where the state permitting process has managed to let the applicant construct wind turbines that cannot lawfully operate because it cannot meet its own noise protection conditions.





Background

Invenenergy's **Alle-Catt Wind Energy Center** is a 340-megawatt wind power generation facility in Allegany, Cattaraugus, and Wyoming Counties, New York. The permitting case is **17-F-0282** – Alle-Catt Wind Energy LLC.

Cattaraugus County Legislator **Brenda S. Hanson** filed a letter on June 30, 2026 requesting information regarding the current permitting situation (emphasis added):

*I write as a duly elected Cattaraugus County Legislator representing constituents who reside in close proximity to the Alle-Catt Wind Farm project in the Towns of Farmersville and Freedom. My constituents and I welcome the Siting Board's June 23, 2026 denial of Alle-Catt Wind Energy LLC's petition to amend its Certificate of Environmental Compatibility and Public Need to remove Certificate Condition 68(d)(vi) — the requirement to demonstrate, through **pre-construction** noise modeling, conformance with the L(night) Design Goal of 40 dBA annual equivalent continuous average nighttime sound level outside any existing non-participating residence.*

That denial raises three urgent and distinct questions that I respectfully ask the Board and DPS staff to answer in writing: (1) What is Alle-Catt now obligated to do? (2) Does that obligation extend to turbines already erected in Rushford and Farmersville? (3) What happens if Alle-Catt fails to comply, and who enforces it?

This is Exhibit A in my argument that the environmental permitting process for renewable energy in New York is broken.

Noise Limit Issues

Alle-Catt's Article 10 certificate includes Condition 68(d)(vi), which requires the developer to file a Pre-Construction Noise Impact Assessment (PNIA) at least 60 days before "Commencement of Full Construction." That PNIA must demonstrate, through sound modeling, that the project as finally designed will meet a 40 dBA annual equivalent nighttime sound level (L_{night-outside}) at all existing non-participating

residences.

In other words, the turbines are not supposed to be built, let alone operated, unless the design can be shown up front to protect neighbors from chronic nighttime noise above 40 dBA.

Cattaraugus County Legislator Brenda Hanson notes in her [June 24, 2026 letter](#) that Alle-Catt's own December 3, 2025 PNIA predicts that noise at "most receptors" will exceed the 40 dBA Lnight goal. The [Coalition of Concerned Citizens' attorney](#), Gary Abraham, points out that Alle-Catt's later, March 24, 2026 PNIA—filed in redacted form—also shows annual nighttime noise above 40 dBA at many non-participating homes, even after the applicant's modeling tricks.

Independent acoustician [Robert Rand](#) goes further. Using the methodology the Siting Board actually approved in prior wind cases (Bluestone and Deer River), he reconstructs Alle-Catt's long-term nighttime source power and propagation and concludes that restoring the project's 2 dB "discount" from an improper ground absorption factor shows the 40 dBA Lnight goal cannot be met at 19 non-participating residences and 36 non-participating properties.

In addition, there are hundreds of acoustic paths from turbines to residents with concave topography, where the receptor is in a line of sight to the turbine and little or no ground absorption occurs to dampen the noise. Alle-Catt acknowledged this problem in earlier PNIA's but avoided analyzing it in its latest one. In short, under valid assumptions, Alle-Catt is not designed to meet the noise condition the developer accepted when it took the certificate.

Inexplicable Siting Board Decision

Despite that, Alle-Catt has already moved ahead with heavy construction and has erected most of the wind turbines. Hanson's letter recounts that the Commission's [April 29, 2025 order](#) approved certain compliance filings under Condition 68—specifically 68(a), 68(c)(i), 68(d)(v), (vii), and (viii)—covering excavation, foundations, and erection of the turbines.

That is how we arrive at today's reality: turbines standing in the Towns of Centerville, Rushford and Farmersville, concrete poured and steel in the air.

But the same April 29, 2025 order states, in plain language, that “Alle-Catt Wind Energy LLC cannot commission or operate any wind turbines” until additional compliance filings under Certificate Conditions 68(b), 68(c)(ii), 68(d)(i), (ii), (iii), and (vi) are approved. Condition 68(d)(vi)—the PNIA demonstrating conformance with the 40 dBA Lnight standard—is explicitly on that list.

Hanson rightly asks the Board to confirm that no turbine anywhere in the project area may be commissioned or operated until a compliant PNIA is filed and approved, without exception for turbines already physically erected. In addition, erection of those turbines violates the Certificate’s requirement to obtain approval of the PNIA at least 60 days prior to commencing full construction.

This is an important point for renewable energy permitting policy: the prohibition is self-executing. DPS does not need to “decide” to block operation; it has already ordered that Alle-Catt cannot operate unless and until it proves compliance with the 40 dBA condition. If DPS looks the other way and lets the turbines run without an approved, compliant PNIA, it will be ignoring its own order and its enforcement duty under PSL §168(5).

There is another problem: the Public Service Commission approved commencement of full construction on April 6, 2026, prior to approval of any PNIA for the night noise goal. See [DMM No. 883](#). The June 23, 2026 Order of the Siting Board establishes that no such approval has been granted to date.

On [May 7, 2026](#) Coalition of Concerned Citizens’ attorney, Gary Abraham filed a letter documenting more details about the Siting Board response to the noise condition problem. Coupled with the Rand filing, they explicitly describe the applicant’s approach and offer evidence that the siting process is broken. I am not going to provide those details here,

gabraham44@eznet.net

Subscribe

Environmental Impacts

I have long held the position that the Hochul Administration has not properly accounted for cumulative environmental impacts. In my comments presented on the

draft Energy Plan I noted that the last update of the cumulative environmental impact assessment of the transition to net zero was completed in 2020. Onshore wind projected capacity is 145% higher than previously analyzed, offshore wind is 62% higher, and solar is 241% higher than the maximum scenario expectation in the latest cumulative assessment.

Abraham's **May 7 comments** explain that Alle-Catt's environmental impacts are not hypothetical. He reviews the Hearing Examiners' Recommended Decision and the Siting Board's certificate order, which estimate 480–515 bird fatalities per year over the life of the project, including six state-listed threatened or endangered bird species.

The record anticipates that at least 41 bald eagle fledglings will be killed or nests will fail over 30 years, associated with one active nest inside the project area and six more close by; most turbines are sited in USFWS "High Mortality Risk to Eagles" zones.

For bats, the project is expected to kill between 26,000 and 39,500 individuals over 30 years, including two species listed as threatened or endangered. Alle-Catt's own Exhibit 22 acknowledges that local bat populations will not survive the mortality rate caused by the turbines. On the habitat side, the project removes roughly 1,550 acres of interior forest and fragments about 1,686 acres of unbroken forest out of about 5,900 acres of interior forest in the facility area, degrading movement, breeding, roosting, and nesting behavior for birds and bats.

Since certification, Alle-Catt has reduced the number of turbines from 116 to 83 and shifted some locations to address landowner concerns, but it retained the original 340 MW capacity by moving to larger Vestas V150-4.5 machines. Abraham notes that the wind-swept area of the V150-4.5 blades (about 17,671 m²) is roughly 20% larger than the GE 3.6-137 machines modeled in the 2019 PNIA (~14,741 m²).

Larger swept area means more blade surface moving through air and thus increased collision risk for birds, bats, and insects, plus an expanded noise footprint, offsetting the modest impact reductions that might have come from fewer towers. Low frequency thumping sounds as blades cross the tower every second also increases.

The State Department of Health testified during the Article 10 process that the noise

levels approved for Alle-Catt would pose a public-health risk to host communities, and that shadow flicker above 30 hours per year and 30 minutes per day would likewise be a health concern.

The Siting Board rejected DOH's recommended per-day limit and noise limit, instead adopting the noise and flicker limits requested by the applicant. Alle-Catt was silent about the night noise requirement, included in all other Article 10 Certificates, but the Siting Board added that to the Certificate after Abraham pointed it out and Alle-Catt accepted it. That was in June 2020. Those decisions are now colliding with Alle-Catt's inability to demonstrate compliance even with applicant-friendly assumptions.

The impacts of these 83 wind turbines are significant. The State Energy Plan Net Zero scenario projects that 15,700 MW of onshore wind capacity will be needed to meet Climate Act goals. That equates to 3,800 similar turbines and, if environmental impacts are proportional, statewide environmental impacts 46 times higher than these 83 wind turbines.

Now What?

Hanson's letter lays out a layered enforcement framework that now hangs over Alle-Catt.

- 1. PSC has already ordered that Alle-Catt cannot commission or operate any turbines until a compliant PNIA under 68(d)(vi) is approved.*
- 2. Certificate Condition 10 gives DPS staff authority to issue stop-work or stop-operation orders wherever construction or maintenance violates the certificate or a DPS order.*
- 3. The certificate spells out a non-compliance remediation timeline: within 60 days of a non-compliance finding, Alle-Catt must file operational and physical minimization options; within 90 days, it must implement operational mitigation; within 150 days, physical mitigation—and if those are not timely implemented, the non-compliant turbines “must not be operated” until compliance is shown.*
- 4. Certificate Condition 17 allows the Board to seek penalties not only against the certificate holder but its contractors, and 16 NYCRR 1000.16(e) preserves the Board's jurisdiction to suspend or revoke the certificate at any point before the final compliance filing is approved. Finally, Public Service Law §168(5) requires*

DPS to “monitor, enforce and administer” compliance with certificate terms. Hanson asks DPS to confirm in writing that it will use these tools if Alle-Catt attempts to operate without meeting the 40 dBA Lnight condition.

From a Climate Act permitting perspective, that enforcement puzzle is telling. Either DPS enforces its own orders and certificates, which may leave Alle-Catt as a stranded, non-operating monument to bad siting and unrealistic transmission assumptions, or it loosens protections and quietly tolerates non-compliance to keep the project on the books as “renewable capacity” helping to meet goals. Neither path is a triumph for the environment and non-compliance is not protective of health.

It gets worse. Abraham’s letter also shows that claimed climate benefits—downstate emissions reductions—depend on transmission upgrades that do not exist and are not planned, in a grid region that is already largely carbon-free.

The project’s output will mostly displace other low-carbon resources, not fossil generation, and it cannot shut down upstate fossil plants because they are needed to back up intermittent wind. New York is asking rural communities to absorb irreversible environmental and health impacts for a project whose net emissions benefits are “meager” at best.

Update

On **July 23, 2026**, Cattaraugus County and Abraham’s Coalition of five environmental groups filed petitions requesting that the Siting Board declare what Alle-Catt’s obligations are in light of the Board’s refusal to remove the night noise goal, and Alle-Catt’s inability to demonstrate it can comply. The petitions note that permission to proceed with operations must still be obtained. We will have to wait and see how the Board resolves this mess.

Conclusion

Alle-Catt shows what Climate Act renewable energy implementation looks like when you strip away the aspirational language and press releases. A rural region loses interior forest, critical bird and bat habitat, and landscape integrity to hundreds of megawatts of industrial turbines.

Neighbors face excessive nighttime noise and shadow flicker that the State Department of Health has already flagged as public-health risks, while the developer cannot even demonstrate compliance with a noise limit under valid modeling assumptions.

If the Climate Act is going to produce more benefit than harm, permitting for projects like Alle-Catt need to be confronted honestly. That means re-examining not only noise and wildlife conditions, but also the assumption that any renewable project located anywhere in the state automatically advances climate goals. On the record before us in Case 17-F-0282, Alle-Catt does not. It is a stranded Climate Act project whose primary legacy, so far, is environmental degradation and regulatory contortions, not meaningful emissions reductions.

#PSC #NewYork #Climate #Caiazza #AlleCatt #SitingBoard #WindEnergy
#ClimateAct #PSC

Roger Caiazza blogs on New York energy and environmental issues at [Pragmatic Environmentalist of New York](#). This post represents his opinion alone and not the opinion of his previous employers or any other company with which he has been associated. Roger has followed the [Climate Leadership & Community Protection Act](#) (Climate Act) since it was first proposed, submitted [comments](#) on the Climate Act implementation plan, and has [written](#) over 650 articles about New York's net-zero debacle.

WE KNOW NATURAL GAS!
844-542-4757
JHACOMPANIES.COM



gabraham44@eznet.net

Subscribe



9 Likes • 4 Restacks

Discussion about this post

Comments Restacks



Write a comment...



Mary Mc Mary Mc Jul 24

...

♥ Liked by Thomas J Shepstone

Wow, what a mess.

If I could make decisions in NY, I'd start fining them. Something like \$10k (or more) a DAY might get their attention. If still non-compliant after a certain amount of time, then I'd order the monstrosities dismantled (not blown up) AND the bases REMOVED with the land reclaimed and restored.

Do any of these boards/towns etc require a bond? If not they should. Who owns the LLC? Perhaps some foreign corporation?

None of this surprises me, as I've seen the same type of crap from the solar companies. It's all about the money and incentives. The LLC developers only want to get it up and running so they can sell it. There is NO consideration of the locals... other than the promise (all built on lies) of riches for the landowner.

The whole recent "green/carbon free" movement makes me sick.

♡ LIKE (5) 💬 REPLY

📤 SHARE



Kris Martin NY Solar Divide Jul 24

...

♥ Liked by Thomas J Shepstone

Excellent summary of the situation. One of the main problems here has been that the state's Siting Board has been bending over backwards to accommodate this developer for so many years, even extending the term of their Certificate to 10 years.

Obviously the developers expected more of the same; they ordered the turbine blades well in advance of a decision, depriving themselves of any chance to order blades that would operate more quietly. I don't think anyone really believed the Siting Board would finally put its foot down about something like this, or that test results couldn't be fudged adequately.

Thank you also for pointing out that this project contributed nothing useful to our clean energy supply. The millions wasted on this project—and yet to be wasted when and if it operates—could have been put to good use increasing grid reliability instead of signaling NYS's virtue to the gullible and uninformed.

♡ LIKE (1) 💬 REPLY

📤 SHARE

1 more comment...

