

Open Record Exhibit OR-2A

Public Testimony

**From:** [Gordon Vreugdenhil](#)  
**To:** [LUT Development](#); [Maitreyee Sinha](#)  
**Subject:** [EXTERNAL] L2500161-SU/D/PLA comments (submission one)  
**Date:** Wednesday, November 19, 2025 8:11:02 PM  
**Attachments:** [NoiseReportSubmissionPart1\\_20251119.pdf](#)

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Please see attached .pdf as written submission one for L2500161-SU/D/PLA , Blackberry Grove.

Please acknowledge receipt of this submission.

Thank-you.

Gordon Vreugdenhil  
7527 NW 212th Pl, Hillsboro OR 97124  
[misc@gordonv.net](mailto:misc@gordonv.net)  
971-506-8154

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To: Washington County Planning and Development Services | Current Planning  
Maitreyee Sinha, Senior Planner, Casefile / Project #: L2500161-SU/D/PLA  
155 N 1<sup>st</sup> Avenue, #350-13, Hillsboro OR 97124

From: "No Batteries in Backyards"  
c/o Gordon Vreugdenhil  
7527 NW 212<sup>th</sup> Pl, Hillsboro OR 97124  
[misc@gordonv.net](mailto:misc@gordonv.net)  
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Date: Nov 19, 2025

This letter is in response to the applicant's noise consultant's open record submission including item 17 of Table 1 in the written testimony from applicant's sound consultant dated November 13, titled "BlackberryBESS\_RTC\_Public Hearing.pdf".

Before addressing more direct concerns, we would like to comment on some general inconsistencies in the Staff report and conditions for use which make it difficult to determine exact intent and compliance requirements for the development. The conditions of approval in the Staff report such as Section VI "Prior to Final Inspection ...", part (D)(6), say that "Noise attenuation shall ensure that the facility will not increase ambient sound levels at the property line." The condition in Section VIII Part (O) is similar. This is inconsistent with assumptions in the Jupiter report of limits that are 10dBA **above** ambient. The Staff report does comment about the 10dBA higher limit in Section 423 but does not appear to take a position on whether this is acceptable or not. At times the Staff report uses "baseline" in a manner that suggests "ambient" but again is inconsistent with other wording. The term "property line" in the (D)(6) condition would also, at face value, apply to all property boundaries, including the south side. That would not be consistent with OAR 340-035-0035 definitions related to "noise sensitive properties" which is what the Jupiter report and other Staff statements seem to assume, so it is not clear whether this was an intentional strengthening of the OAR requirements or not.

Our overall concerns with the combination of item 17 of Table 1 in the consultant's written testimony and the conditions of approval are the following.

1. Inadequacy of the model for demonstrating final site compliance.
  - a. The model used in the Noise report is a predictive model for noise profiles from the site. The applicant has used either manufacturer's specifications or more general specifications for the various components. Some of the components will be fitted with additional silencing mechanisms.
  - b. Prior submissions have raised concerns about the accuracy of both the ambient sound analysis and aspects of the sound model itself.
  - c. Actual site construction introduces a certain amount of variability. Even minor differences from modeled assumptions such as depth and size of gravel base, exact angle and spacing of all components, and installation variability in silencing mechanisms can impact the fidelity of the model.

No model is a perfect predictor of actual construction. The above factors introduce variability and/or uncertainty into the results such that it is very unlikely that the site will comply with required

standards. Given that the applicant's model itself predicts sound levels within 2dB of the permissible limits, the model alone cannot be relied upon to demonstrate final site compliance.

2. Inadequacy of the conditions to assure compliance with approval standards.

While the Section VI "Prior to Final Inspection ...", part (D)(6) conditions say that "Noise attenuation shall ensure that the facility will not increase ambient sound levels at the property line.", there is no stated requirement to actually measure the sound levels of the site prior to going to normal operation. The ongoing condition in Section VIII "Additional Conditions", part (O) is similar - "Average noise measured at any point along the property line should not exceed ambient noise levels at the property line. (Section 423)".

These conditions by themselves are not adequate to assure compliance. There are four main concerns:

- a. The conditions do not explicitly require measuring of sound levels. Given (1) above, the lack of conditions to measure actual levels will compromise compliance.
- b. Environmental conditions can impact noise levels. While the applicant asserts that worst case source noise levels have been modeled, a full range of environmental impacts has not. Again, given the narrow margin for compliance in the model, it is not sufficient to measure noise compliance at the end of construction and then again only after 2 and 5 years, particularly since there is no statement about the conditions under which any measurements must be taken. To assure compliance, monitoring must be sufficiently frequent to encounter actual worst case environmental and equipment conditions. Measurements must continue for the life of the facility as sound profiles can change as equipment ages.
- c. Measured noise reporting to Washington County and public disclosure of those reports must be required to demonstrate ongoing compliance in a transparent manner. Measurements must be done in a manner as to assure compliance at noise sensitive properties and in particular, noise sensitive 2<sup>nd</sup> story bedrooms.
- d. There must be stated sanctions in the conditions of approval for violations of the noise limits. Sanctions must have an immediate remedial effect until compliance can be re-established. Not doing so exposes adjacent properties to the risk of non-compliant noise levels for indefinite periods of time.

Thus, the applicant has not demonstrated that compliance with approval standards relating to noise by means of the conditions discussed here is feasible, meaning that it is possible, likely and reasonably certain to succeed.



Gordon Vreugdenhil

**From:** [Gordon Vreugdenhil](#)  
**To:** [LUT Development](#); [Maitreyee Sinha](#)  
**Subject:** [EXTERNAL] L2500161-SU/D/PLA comments (submission two)  
**Date:** Wednesday, November 19, 2025 8:15:48 PM  
**Attachments:** [NoiseReportSubmissionPart2\\_20251119.pdf](#)

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Sorry, the previous "submission two" had an Re: at the beginning of the subject and I wanted to make sure that there wasn't any confusion about that being a duplicate. So I'm re-sending submission two.

For this (final) round of public submission I have two submissions - files NoiseReportSubmissionPart1\_20251119.pdf and NoiseReportSubmissionPart2\_20251119.pdf. I apologize for any confusion I caused on this.

Please see attached .pdf as written submission two for L2500161-SU/D/PLA , Blackberry Grove.

Please acknowledge receipt of this submission.

Thank-you.

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Date: Nov 19, 2025

This letter is in response to written testimony from the applicant’s sound consultant dated November 13, titled “BlackberryBESS\_RTC\_Public Hearing.pdf” and related to the Jupiter application to build the Blackberry Grove battery facility.

The notes below are responses to applicant comments as labeled by the comment number in Table 1 of the applicant’s document.

Re: Comment 2, factory calibration of LT2.

- The applicant concedes that they have no evidence for required factory calibration of the LT2 Piccolo microphone. The lack of evidence demonstrates that the applicant was unaware of or ignored NPCS-1 requirements prior to these hearings since otherwise they would have had proper calibration done and evidence retained in order to meet NPCS-1. The relative measures and field calibration do not relieve the applicant of compliance to NPCS-1.

Re: Comment 2, microphone enclosures

- The applicant claims that “I personally have verified to confirm that sound levels are not measurably affected by the potential reflections from the object to which the box is attached and/or the box itself.” The applicant cannot simply assert such a claim. What processes and metrics were used to substantiate that claim?

Re: Comment 3, L10 and L1 are still required

- The applicant claims that “Under this conservative assumption, the operational sound levels for the L50, L10, and L1 parameters would be identical.” But the applicant has still not provided the analysis to substantiate that claim.

Re: Comment 7, 1/3 octave analysis

- The applicant is referring to OAR 340-035-0035 1(e)(a). But that section contains two parts. Part (A) is the octave analysis but part (B) is the 1/3 octave requirement which reads (in part): “No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, ..., and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels...”

“Preferred frequencies” are as defined by 340-035-0015 (46) and the applicant has not addressed those frequencies.

Re: Comment 9, transformer sound levels

- The claimed sound power level of the transformer is 100dBA. The graphical sound pressure values are below 75 dBA whereas a (simple) 1 meter sound pressure level of a 100dBA source should be 89 dBA. If the applicant is claiming a pressure level below that, the modeling assumptions for the lower pressure level need to be provided. Similarly for the BESS and PCS components. A straightforward sound pressure analysis of a 100 dBA power level source is not consistent with the applicant’s claims.

Re: Comment 10, overall sound levels

- In the Staff report, Section VI “Prior to Final Inspection ...”, part (D)(6), the applicant has the condition that “Noise attenuation shall ensure that the facility will not increase ambient sound levels at the property line.” Also in the Staff report, Section VIII “Additional Conditions”, part (O), the applicant has the condition that “Average noise measured at any point along the property line should not exceed ambient noise levels at the property line. (Section 423)”. This is an on-going requirement for the facility. Note that these conditions cover the entire property line which includes to the west and south and do not allow levels above the ambient sound level.

The applicant’s noise analysis shows that sound levels will be above ambient sound levels, claiming only the weaker OAR condition that noise levels will be within 10dBA of ambient sound levels.

Re: Comment 13, wall and noise level height

- There is no height requirement **or exemption** in OAR. The applicant's rationale that compliance at an arbitrary height is sufficient would imply that a measurement height at 6" behind a 2' wall would also be sufficient to comply with OAR. OAR rules apply at **any** height relative to a noise sensitive property as defined by 340-035-0015 (38). The applicant must demonstrate that a 12' wall is sufficient. Given that the transformer is 16' tall, there will be clear line of sight sound propagation over the top of the wall and overall noise levels above the wall will not be compliant.

A handwritten signature in black ink, appearing to read "Gordon Vreugdenhil". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'G'.

Gordon Vreugdenhil