



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@ct.gov](mailto:siting.council@ct.gov)

[www.ct.gov/csc](http://www.ct.gov/csc)

May 7, 2013

The Honorable Selim Noujaim, Co-Chairperson  
The Honorable Andres Ayala, Co-Chairperson  
Honorable Members of the Legislative Regulations Review Committee  
Room 011, Capitol Building  
Hartford, CT 06106

RE: **CSC WIND REGULATIONS** – Adoption of Regulations pursuant to Public Act 11-245, An Act Requiring the Adoption of Regulations for the Siting of Wind Projects, Sections 16-50j-2a, 16-50j-18 and 16-50j-92 to 16-50j-96, inclusive, of the Regulations of Connecticut State Agencies.

Dear Representative Noujaim, Senator Ayala and Honorable Members of the Legislative Regulation Review Committee:

Pursuant to Section 4-170 of the Connecticut General Statutes, the Connecticut Siting Council (Council) hereby re-submits the above-referenced proposed regulations for the Legislative Regulation Review Committee's (Committee) consideration and approval regarding the adoption of regulations for the siting of wind projects. These regulations revisions were previously rejected without prejudice by the Committee at its December 18, 2012 meeting. The Council has made revisions to its original proposed regulations to address the items enumerated in the Legislative Commissioner's Office (LCO) Report dated December 18, 2012.

The proposed revisions address the **Substantive Concerns** in the LCO Report as follows:

- 1) (a) The LCO Report stated that the previous version of the wind regulations submitted did "not include a consideration of different requirements for projects of different sizes."

The Siting Council added the following subdivisions to address this substantive concern:

**Section 16-50j-94(c)(6)** – Requirement for a 10-mile radius View-shed Analysis for projects with a generating capacity of more than 65 megawatts.

**Section 16-50j-94(h)(5)** – Requirement for a Terrestrial or Marine Habitat Conservation Plan for projects with a generating capacity of more than 65 megawatts.

**Section 16-50j-95(a)(1)** – Requirement for a 2.5 times the total wind turbine height setback from property lines for projects with a generating capacity of more than 65 megawatts.

(b) Section 16-50j-94(f) has been revised to address "blade shear."

- 2) In section 16-50j-92, the phrase, "but not limited to" has been removed;
- 3) In section 16-50j-93, the phrase, "but not limited to" has been removed;



- 4) In section 16-50j-94(b), the phrase “of sufficient scale” has been removed;
- 5) In section 16-50j-94(c), the phrase, “but is not limited to” has been removed;
- 6) In section 16-50j-94(c)(1), the phrase, “including, but not limited to” has been removed;
- 7) In section 16-50j-94(d), the phrase, “include, but not be limited to” has been removed;
- 8) In section 16-50j-94(d)(1), the phrase, “including, but not limited to” has been removed;
- 9) In section 16-50j-94(e), the phrase, “include, but not be limited to” has been removed;
- 10) In section 16-50j-94(f), the phrase, “include, but not be limited to” has been removed;
- 11) In section 16-50j-94(g), the phrase, “not be limited to” has been removed;
- 12) In section 16-50j-94(h), the phrases, “includes, but is not limited to” and “but not be limited to” have been removed;
- 13) Sections 16-50j-94(h)(1)(C) and 16-50j-94(h)(1)(D) have been removed. Recommended standards and guidelines of the U.S. Fish and Wildlife Service and the Department of Energy and Environmental Protection are site-specific. A more detailed discussion of this substantive matter is at Paragraph 12 on Page 18 of the Summary of the Proceeding;
- 14) In section 16-50j-94(i), the phrase, “include, but not be limited to” has been removed;
- 15) In section 16-50j-95(a)(2)(B), the phrase, “but is not limited to” has been removed; and
- 16) In section 16-50j-95(c)(2)(B), the phrase, “but is not limited to” has been removed.

The proposed revisions address the **Technical Corrections** in the LCO Report as follows:

- 1) In section 16-50j-2a, new definitions have been underlined;
- 2) In section 16-50j-2a(10) and in section 16-50j-2a(13), as defined in Section 16-1 has been added;
- 3) In section 16-50j-2a(35), of a wind turbine has been added;
- 4) In section 16-50j-92, “customer-side distributed resources project” and “grid-side distributed resources project” have been added. Identical additions have been added to section 16-50j-93 for consistency with each of these defined terms;
- 5) In section 16-50j-94(d)(4), “to 22a-69-7, inclusive” has been inserted; and
- 6) On page 10, in section 6, “(NEW)” has been inserted before “Sec. 16-50j-95.”

The proposed revisions also address the following concerns identified by interested persons:

- 1) The phrase, "if available" has been deleted from Sections 16-50j-94(d), 16-50j-94(e), 16-50j-94(f) and 16-50j-94(g) regarding the requirement to submit the manufacturer's technical documentation relative to noise, ice throw, blade shear and shadow flicker; and
- 2) The word "cumulative" has been added to Section 16-50j-95(c) to clearly indicate no more than 30 total annual hours of shadow flicker shall occur at any off-site occupied structure location collectively from all of the wind turbines in a project.

If you have any questions, please feel free to contact Melanie Bachman, Staff Attorney at 860-827-2951. Thank you for your consideration.

Sincerely,



Robert Stein  
Chairman

cc: Environment Committee  
Energy and Technology Committee  
Office of Fiscal Analysis  
Service List (cover letter only)

Enclosures (1)