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May 15, 2012

Connecticut Siting Council
Attn: Melanie Bachman, Staff Attorney
Ten Franklin Square
New Britain, Connecticut 06051

RE: WIND REGULATIONS, COMMENTS

Dear Ms. Bachman:

We have reviewed the proposed wind regulations promulgated by the Connecticut Siting Council pursuant to Public Act 11-245. We support the Council's efforts to adopt siting regulations, and we appreciate the opportunity to submit comments regarding the proposed wind regulations.

Please find our comments below, listed by subheading:

Sec. 5, Sec. 16-50j-94, (b) Visual Impact.

- In (C), an applicant is required to provide view-shed analyses for a site depicting "year round and seasonal visibility of each wind turbine." This phrase is vague and difficult to interpret. The regulation should instead require applicants to provide a separate seasonal view-shed analysis for each of the four seasons.
- In (D), the manner by which an applicant should select locations for performing photo simulations is unclear. The phrase "from locations that may have potential seasonal and year-round visibility of each of the proposed wind turbines" should be revised to be more specific in order to prevent an application from being deemed insufficient. For example, the regulation should specify the number of simulation images to be produced (*e.g.*, not less than 5 and not more than 10) and require the applicant to determine the locations only after communication with township officials.
- In (E), the draft regulations suggest that paint color of the facility, vegetative screening and landscaping should be identified as potential mitigation measures. The language in this section should



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be revised to exclude utility scale wind facilities because none of these practices should be considered effective means of minimizing visual impact of a utility scale wind project.

Sec. 5, Sec. 16-50j-94, (c) Noise Evaluation Report.

- In (2), noise measurements should be made from residences, not property lines, and such measurements should only be made at residences within a certain distance from turbines, which distance should be specified in the regulations. The result and purpose of the measurement should be that the project is in compliance with the noise control regulations established by the Department of Energy and Environmental Protection under Sections 22a-69-1 to 22a-69-7.
- In (2), the sentence reading “projected maximum levels of infrasonic sound, ultrasonic sound, impulsive noise and prominent discrete tones” is extremely vague, and the requirements of this provision are unclear. Turbines cannot emit at a high enough level for infrasound and this type of report is not a standard requirement across the industry.
- In (2), the meaning of the phrase “the nearest receptors” is unclear. The intent of this phrase should be clearly defined, probably to refer to residences within a certain proximity to planned turbine locations.

Sec. 5, Sec. 16-50j-94, (g) Natural Resource Impact Evaluation Report.

- In (2)(A) and (B), wildlife studies performed for utility scale wind projects identify estimates of bird/bat fatalities, not “potential” numbers of fatalities. The regulations would be more accurate if the term “potential” was replaced by the word “estimated”.



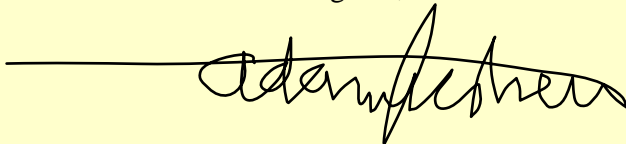
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Sec. 16-50j-96, Requirement for a Development and Management (D&M) Plan.

- Additional guidance should be provided to applicants regarding the subject matter the Council would like any D&M plans to cover. This Section should explain more fully what is meant by “the final decision rendered by the Council”.

Once again, we appreciate the opportunity afforded by the Council to provide our comments on the proposed wind regulations. Should you have any questions or wish to discuss these comments further, please do not hesitate to contact me directly.

Kind Regards,



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