



STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

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September 3, 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: **2012-054B - 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 were previously rejected without prejudice by the Committee at its' December 18, 2012 and May 28, 2013 meetings. The Council has made revisions to the proposed regulations to address the items enumerated in the Legislative Commissioner's Office (LCO) Report dated May 28, 2013.

With regard to the section in the LCO Report entitled, "**For the Committee's Information,**" subparagraph (C) in section 16-50j-94(h)(1) was deleted because the United States Fish and Wildlife Service recommended standards and guidelines are voluntary and apply only to land-based wind turbine projects that are typically of large-scale. However, the Council will consider these guidelines where appropriate. The Council added a new subparagraph (C) to read as follows:

(C) compliance with the United States Fish and Wildlife Service Land-Based Wind Energy Guidelines, as applicable; and

Similarly, subparagraph (D) in section 16-50j-94(h)(1) was also deleted because there are no established Department of Energy and Environmental Protection (DEEP) standards and guidelines. DEEP recommended standards and guidelines are site-specific and made in accordance with an evaluation of a proposed site by the Natural Resources Division. For example, one proposed site may contain several wetland areas whereas another proposed site may not contain any wetland areas. Or, an endangered species may be known to occur on one proposed site whereas no endangered species, or a different type of endangered species, may be known to occur on another proposed site. Thus, the Council relies on the detailed analysis and

recommendations generated by the DEEP Natural Resources Division for each site. The Council added a new subparagraph (D) to read as follows:

(D) compliance with site-specific recommendations provided by the Department of Energy and Environmental Protection Natural Resources Division.

The proposed revisions address the **Substantive Concerns** as follows:

1. In Section 16-50j-92, the references to a customer-side distributed resources project and to a grid-side distributed resources project have been replaced with a reference to a "wind turbine facility with a generating capacity of more than 65 megawatts";
2. In Section 16-50j-94(c)(6) and in Section 16-50j-94(h)(5), the term "projects" has been replaced with the term "wind turbine facilities";
3. In Section 16-50j-94(h)(5), the phrases "land-based" and "off-shore" have been added to provide clarification as to whether a Terrestrial or Marine Habitat Conservation Plan is required; and
4. In Section 16-50j-94(h)(5), the terms "Terrestrial or Marine" have been added to provide clarification.

The proposed revisions address the **Technical Corrections** as follows:

1. Throughout Section 1 of the proposed regulation, "(NEW)" has been deleted;
2. On page 2, in subdivisions (10) and (13), a comma has been inserted before "as"; and
3. On page 7, in subdivision (6) of Section 16-50j-94(c), "such" has been inserted before "application."

If you have any questions, or require additional information or clarification concerning the resubmission of the above-referenced proposed wind regulations, please feel free to contact Melanie Bachman, Staff Attorney at 860-827-2951.

Thank you for your consideration.

Sincerely,



Robert Stein
Chairman

cc: Attorney General's Office
Service List