

**FairWindCT
P.O. Box 225
Colebrook, CT 06021**

To: Connecticut Siting Council

From: Joyce Hemingson, President of FairWindCT, Inc.

Date: April 12, 2013

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

First, I would like to thank the Connecticut Siting Council (CSC) for meeting with FairWindCT, the Connecticut Council of Small Towns and the Connecticut Conference of Municipalities on April 8, 2013. Many of the concerns we raised are outlined below, along with additional suggestions.

The Legislative Commissioner's Office (LCO) report dated December 18, 2012 had a substantive concern about the "consideration of different requirements for projects of different sizes."

As was pointed out during the CSC public hearing about wind regulations on July 24, 2012, the 65 MW limit for an application vs. a declaratory ruling is too high for wind energy projects. A 65 MW project comprised of 1.6 MW turbines would have 40 turbines. The rated capacity or MW of a project, rather than height of individual turbines, is a better indication of the project "size." The greater the number of turbines in a project (total MW), the greater the impact locally and the greater the amount of work required of CSC in the permitting process.

The April 3, 2013 draft report of the Vermont Blue Ribbon Energy Generation Siting Policy Commission (<http://sitingcommission.vermont.gov/home>) recommends a simplified 4-tier approach to siting, based on the total MW of a project. For example, the Tier 3 "Standard Process" is for projects between 2.2 and 15 MW. Tier 4, the "Larger Scale Process" is for projects of 15 MW or more. The draft report outlines what differences in the process there would be between the various tiers. The final report is due April 25.

The CSC participated by conference call in the November 14, 2012 information session held by the Vermont Commission.

The CSC seems to feel (as discussed and according to the summary of our meeting dated April 9) that it is unable to craft regulations that conflict with C.G.S. Sec. 16-50k(a). If that is indeed the case, the enabling statute may conflict with the existing statute, if the enabling statute is interpreted to mean projects of different sizes are to be based on rated capacity. We would like to see the CSC and the state legislature work together to change the 65 MW cut-off point that determines whether a wind energy project requires an application vs. a declaratory ruling.

The Vermont Blue Ribbon Energy Siting Policy Commission's draft report also recommends specific guidance by the Department of Health.

The height of a turbine simply indicates where the wind resource is located vertically -- the taller the turbine, the higher up the blades need to be located to capture the wind. For example, 1.5 MW turbines in the Mars Hill wind farm in Maine have a total height of 389 feet. The 3 MW turbines at Kibby Mountain in Maine have a total height of 410 feet. The 1.6 MW turbines approved for Colebrook would stand 492 feet tall.

The height of a turbine affects the modeling of shadow flicker, safety zones, visibility, and noise, but is not a measure of the overall complexity of a project.

Senate Bill 1019 -- An Act Concerning Administrative Streamlining at the Department of Energy and Environmental Protection, recently came before the Environment Committee. As originally proposed, this bill would have eliminated the state noise program (dating to 1978) and transferred regulation making, monitoring and enforcement to each of Connecticut's 169 towns. However, the CSC is not required to consider town regulations when making its decisions.

Other New England states have noise regulations that apply to industrial wind turbines. Maine limits noise to 42 dBA when measured 500 feet from a residence. Massachusetts limits noise to 10 dBA over ambient sound.

The National Association of Regulatory Utility Commissioners (NARUC) published a report called Wind Energy and Wind Park Siting and Zoning Best Practices and Guidance for States, in January 2012. This report (attached) is already part of the record and CSC is a member of NARUC. The report gives strong emphasis to regulating wind projects based on noise. The recommended

approach for noise, sound and infrasound includes a planning guideline of 40 dBA with 45 dBA as an appropriate regulatory limit.

Update on Falmouth, MA -- The Board of Selectmen of Falmouth recently voted to remove two town-owned wind turbines located there due to residents' complaints and noise impacts. The estimated cost of removal is extensive (\$14 million) and complicated by federal and state money already received for installation. Town residents have not approved paying for the removal. The value of the turbines as scrap would not cover the costs of removal.

Bonding for construction and decommissioning is a concern shared by the Connecticut Conference of Municipalities (CCM) and the Connecticut Council of Small Towns (COST). Connecticut's towns are already facing economic challenges, and the lack of bonding for a major project could cause additional burdens to taxpayers.

The Legislative Commissioner's Office (LCO) report dated December 18, 2012 had a substantive concern about the United States Fish and Wildlife Service (USFWS) and the Connecticut Department of Energy and Environmental Protection (DEEP) standards and guidelines. In the revised regulations, the CSC dropped this section entirely rather than follow the LCO recommendations. Listing specific studies required would benefit all parties, including the CSC.

Sincerely,

Joyce C. Hemingson, Ph.D.
President, FairWindCT

Attachments:

Vermont Energy Siting Commission/Third Draft Recommendations
3rd Packaging Draft of EGSPC Recs 04-03-13.pdf

National Association of Regulatory Utility Commissioners (NARUC), Wind Energy and Wind Park Siting and Zoning Best Practices and Guidance for States.
January 2012
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