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I am submitting comments on the draft regulations noticed by the Connecticut Siting Council in the Connecticut Law Journal on May 1, 2012. I ask for changes in the following areas to the proposed draft regulations for the siting of wind turbines. These changes are necessary to assure that the host towns of these potential sites and residents impacted by any proposed wind project are given due consideration. How we site renewable energy projects will determine community acceptance and ultimately the success or failure of such projects.

In the proposed regulations there is no distinction between large industrial wind turbines and smaller wind turbines. Current law limits Siting Council jurisdiction to turbines of one megawatt and over. It is extremely important that this distinction is maintained and that the regulations proposed apply to proposals of one megawatt and over. Any changes to include smaller projects under one megawatt in the proposed regulations will require legislative approval. Projects under one megawatt are now under local jurisdiction. This expansion would meet with local resistance and should not be undertaken through the regulatory process.

The regulations as proposed would make any project sixty five megawatts and under subject to a declaratory ruling. While that number the Siting Council chose is reflected in the statutes, it was put in place to address renewable projects other than wind turbines. Sixty five megawatts would be an extremely large wind project and using that number would mean that virtually all wind proposals would be by declaratory ruling. Since a one megawatt wind project is of considerable size, any project one megawatt and over should be subject to an application process rather than a declaratory ruling. Renewable projects other than wind projects should be subject to separate standards.

The regulations as proposed seek to make changes in Siting Council law that would be considered substantive changes to current law that go beyond wind regulations. While the draft regulation process is appropriate for making technical changes, substantive changes to siting council law require legislative approval and should go through the legislative process.

The specific suggested changes to the regulations as proposed that follow should apply to projects one megawatt and over.

The minimum setback from residential property lines should be at least one half mile to reduce the possible impact of noise levels on residents. Each project should be carefully evaluated and set back levels should be determined on an individual basis after the minimum level is met. Additional setback requirements should be required when credible evidence to their need is submitted.

Waiver of setback requirements should be allowed only when the applicant can demonstrate that potential safety hazards would be eliminated or substantially reduced and the setback reductions proposed should be included in all notices. The Siting Council should be required to list all the criteria on which the waiver was granted.

Any manufacturer's setback requirements should be provided to the public.

Minimum distances between wind turbines where multiple turbines are being proposed should be required.

The Siting Council should not expand the definition of fuel through the regulatory process. Any change in definition should be done legislatively.

The definition of the term modification is unclear in the draft regulations and should be more specific and further any changes in that definition should be left to the legislative process.

The Visual Impact Evaluation report should be expanded to include a radius of one to eight miles to insure that visual impact is considered both at a distance and close to affected properties. Consideration should also be given as to whether the wind turbine will be placed on a ridge line or in a valley area.

The requirements for noise receptors need to be further defined to be clear on what constitutes a noise receptor and to where the receptors can be placed.

Infra and ultrasonic noise should be defined.

A wind turbine maintenance plan should be included in the noise report to address possible changes to noise levels with aging equipment.

Applicants should be required to report the amount of time icing conditions are expected during the year.

Applicants should be required to submit a monitoring plan that outlines schedules for routine inspections to assess the condition of the equipment.

In the evaluation of Natural Resource Impact the regulations should be more specific than just requiring compliance with recommended standards and guidelines. Further clarity is needed.

A host town impact analysis should be required to address possible changes needed to a town's infrastructure when the wind turbine is commissioned.

A clear list should be included of what is necessary for an application to be technically sufficient and it should specify the requirements for applications and petitions individually.

Wind turbine operators should be required to meet any existing local noise standards.

The Siting Council should not be allowed to grant waivers of noise levels for good cause as this power rests with the Commissioner of DEEP and the power was granted by the General Assembly. Any changes should be brought before the General Assembly.

Waiver of shadow flicker requirements should be more narrowly tailored. The granting of waivers should prevent circumvention of regulations.

A report on telecommunication impact should be required.

A discussion of all impacts and a comparison of the proposed design to any submitted alternatives should be required.

A report that considers the cumulative effect of all wind turbine proposals in relation to any existing structures should be required.

A completeness review should be required that includes the purpose, the statutory authority, the contact information, information required under the UAPA and current Siting Council law,, information required by any state agency, and any other information requested by the council.