

From: [Dahl, Curt \(Tran Function\)](#)
To: [Roger Clayton](#); ["Gioia, Paul"](#); [Herb](#)
Subject: Environmental Protection Committee Hearing Notice
Date: Thursday, February 8, 2018 1:13:25 PM
Attachments: [Int. No 48.pdf](#)
[Int. No 50.pdf](#)

Please see attached request from NYC Council.



From: New York City Council Hearings [mailto:hearings@council.nyc.ny.us]
Sent: Thursday, February 08, 2018 12:55 PM
To: Dahl, Curt (Tran Function)
Subject: Environmental Protection Committee Hearing Notice

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February 8, 2018

Mr. Curt Dahl
Executive Secretary
New York State Reliability Council
175 East Old Country Road
Hicksville, NY 11801-4257

Dear Mr. Dahl,

RE:Oversight - Facilitating the Use of Wind Power in New York City.

Int. No. 48: In relation to the creation of wind maps demonstrating wind energy generation potential within the city.

Int. No. 50: In relation to small wind turbines.

Please be advised that the Committee on Environmental Protection will hold a hearing on **Monday, February 26, 2018 at 1:00 P.M. in the 14th Floor Committee Room, 250 Broadway, New York, NY** regarding the above-referred topics.

You are hereby invited to attend this hearing and testify therein. Please feel free to bring

with you such members of your staff you deem appropriate to the subject matter.

If you plan to participate, it would be greatly appreciated if you could bring **twenty (20)** copies double-sided of your written testimony to the hearing. Due to increased building security procedures, please bring identification & allot some extra time for entry through the building lobby.

I would appreciate receiving a response from you as to whether or not you will be able to attend. Thank you for your consideration.

Sincerely,

Jonathan Ettricks

Legislative Documents Unit

[New York City Council](#)



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Int. No. 48

By Council Member Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to the creation of wind maps demonstrating wind energy generation potential within the city

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-806 to read as follows:

§ 24-806 Wind resource assessment. By no later than June 30, 2018, and in every fifth year thereafter, the department of environmental protection, or an office or agency designated by the mayor, shall conduct a wind resource assessment to identify and map the areas of the city in which installation of (i) a wind turbine appurtenant to a building that has a height of 100 feet or more, (ii) a wind turbine appurtenant to a building of any height located in a waterfront area or (iii) a freestanding wind turbine in a waterfront area, would be able to effectively utilize winds that have an average speed of at least 11 miles per hour or more for at least three months during the year. Such assessment shall be made publicly available online together with a description of the methodology used to conduct such assessment. For the purposes of this section, the term “waterfront area” shall have the meaning ascribed to such term in the New York city zoning resolution.

§ 2. This local law takes effect immediately

SS / BM
Int. 1726-2017 / LS 11293
LS# 141
1/5/2018 2:54PM

By Council Member Constantinides

A Local Law to amend the New York city noise control code, the administrative code of the city of New York and the New York city building code, in relation to small wind turbines

Be it enacted by the Council as follows:

1 Section 1. Subchapter 5 of the New York city noise control code is amended by adding a new
2 section 24-232.1 to read as follows:

3 § 24-232.1 Small wind turbines. No person shall cause or permit operation of a small
4 wind turbine, as such term is defined in section 426.2 of the New York city building code, so as
5 to create a sound level in excess of 5 db(A) above the ambient sound level, as measured at the
6 property line of the property containing the nearest dwelling unit.

7 § 2. Chapter 3 of title 28 of the administrative code of the city of New York is amended
8 by adding a new article 319 to read as follows:

9 **ARTICLE 319**
10 **MAINTENANCE AND REMOVAL OF SMALL WIND TURBINES**
11

12 § 28-319.1 Maintenance. The owner of a small wind turbine or small wind turbine
13 tower, as such terms are defined in section 426.2 of the New York city building code, shall
14 maintain such turbine and tower in good condition.
15

16 § 28-319.2 Removal. The owner of a small wind turbine, as such term is defined in
17 section 426.2 of the New York city building code, shall remove such turbine when (i) the time
18 elapsed since installation exceeds the manufacturer’s suggested useful life of such turbine or (ii)
19 such turbine has been continuously inoperable for 12 months or more, whichever occurs sooner,
20 provided that the commissioner shall by rule establish a timeframe for removing small wind
21 turbines that do not have manufacturer’s suggested useful lives.
22

23 § 3. Chapter 4 of the New York city building code is amended by adding a new section
24 BC 426 to read as follows:

25 **SECTION BC 426**
26 **SMALL WIND TURBINES**
27

1 **426.1 General.** In addition to other applicable requirements in this code, other law or
2 rule, and established by the commissioner, small wind turbines shall be designed and constructed
3 in accordance with this section.

4
5 **426.2 Definitions.** The following words and terms shall for the purposes of this section
6 have the meanings shown herein.

7
8 **SMALL WIND TURBINE.** A turbine that is designed to use wind to generate no more
9 than 100 kW (105 Btu/h) of electricity.

10
11 **SMALL WIND TURBINE TOWER.** A structure that supports a small wind turbine.

12
13 **426.3 Design standards.** A small wind turbine shall be designed in accordance with
14 standards adopted by rules of the commissioner. Such standards shall include but need not be
15 limited to standards relating to the design of small wind turbines that are developed by the
16 American Wind Energy Association, the New York State Energy Research and Development
17 Authority, the California Energy Commission, the Small Wind Certification Council, the British
18 Wind Energy Association, the International Electrotechnical Commission, the National
19 Renewable Energy Laboratory, or the Underwriters Laboratory.

20
21 **426.4 Wind speed.** A small wind turbine shall be designed to withstand winds of up to
22 and including 130 mph (58.1 m/s) or such higher wind load as may be specified in this code or
23 the design standard for such turbine pursuant to Section 426.3.

24
25 **426.5 Brakes and locks.** Where deemed necessary by the commissioner, a small wind
26 turbine shall be equipped with a redundant braking system and a passive lock, including
27 aerodynamic overspeed controls and mechanical brakes.

28
29 **426.5.1 Locking before hurricane or strong wind conditions.** If a hurricane or strong
30 wind conditions are expected, the commissioner may order that small turbines equipped with
31 passive locks be stopped and locked.

32
33 **426.6 Visual appearance.** A small wind turbine shall be white, off-white, grey, or
34 another non-obtrusive color specified by the commissioner.

35
36 **426.7 Lighting.** A small wind turbine shall not be artificially lighted.

37
38 **Exception:** Lighting that is required by this code or other applicable laws or rules,
39 provided that such lighting is shielded in accordance with rules promulgated by the
40 commissioner.

41
42 **426.8 Access.** Access to a small wind turbine shall be limited as follows:

43
44 1. Access to electrical components of a small wind turbine shall be
45 prevented by a lock.

1 2. A small wind turbine tower shall not be climbable, except by authorized
2 personnel, up to a height of 10 feet (3048 mm) measured from the base of such tower.

3
4 **426.9 Noise.** A small wind turbine shall be designed so that, at wind speeds of less than
5 or equal to 25 mph (11.2 m/s), such turbine will not cause a sound level that is more than 5
6 dB(A) above the ambient sound level, as measured at the property line of the property containing
7 the nearest dwelling unit.

8
9 **426.10 Shadow flicker.** The commissioner shall by rule establish shadow flicker
10 limitations for small wind turbines for the purpose of limiting, to the extent practicable, such
11 flicker on buildings adjacent to such turbines.

12
13 **426.11 Signal interference.** The commissioner shall establish rules governing small
14 wind turbines for purpose of minimizing, to the extent practicable, interference by such turbines
15 with radio, telephone, television, cellular or other similar signals.

16
17 **426.12 Setback.** No part of a small wind turbine or small wind turbine tower shall be
18 located within a horizontal distance of a property line that is equal or less than one-half the
19 height of such turbine, including such tower, measured from the base of such tower or, if there is
20 no such tower, the base of such turbine.

21
22 **Exception:** Each owner of property adjacent to such property line has entered into a
23 written agreement providing that such turbine or tower or a part thereof may be located closer to
24 such property line than this section allows.

25
26 § 4. This local law takes effect 90 days after it becomes law, except that the
27 commissioner of buildings and the commissioner of environmental protection may take such
28 measures as are necessary for its implementation, including the promulgation of rules, before
29 such date.

SS / BM
Int. 1727-2017 / LS 1546
LS# 142
1/5/2018 2:54PM