DRAFT OTHER MODELS TEMPLATE

Other Regulatory Model	Description of Model Element	Explanation of Model Element Use	Application to Wind Turbine Guidelines
Clean Air Act New Source Review	Central reporting of air pollution control performance	EPA maintains a nationwide database of permitting decisions that includes detailed information regarding the "best available control technology" that has been installed on controlled sources	We recommend the establishment of a repository (public or privately-funded) that is searchable and lists the best management practices, technological innovation, and siting practices to which public officials and project proponents may refer in designing and approving/taking no action on projects.
	Case-by-case analysis of proposed emission controls	A state permitting authority reviews each project on a case-by-case basis, applying the emission controls that are best suited to the particular source, taking into account local concerns and issues	We recommend the adoption of a case-by-case project review process that—instead applying a fixed set of best management practices—uses a clearly-defined set of project review parameters to allow for the implementation of constantly evolving best management practices in a technology-forcing aspect that will drive improvements in wind development.
	Clearly defined process of establishing emission controls	EPA has published a permitting manual so that federal, state, and local permitting authorities apply the same rules consistently	We recommend the preparation of a dispositive text or manual to which all interested parties can turn for the guidance on the wildlife interaction elements of siting, constructing, and operating a wind facility.
	Permit shield	Once BACT is selected, even though technology improves, the older facility is still entitled to operate under old technology. The strong technology-forcing function of the case-by-case review is of prospective application.	We recommend that any guidelines-based recommendation include the provision that once a project proponent has constructed a wind facility consistent with the case-by-case guidelines, that facility secures protection from enforcement for non-intentional wildlife impacts.
	Technical feasibility	The case-by-case review carefully reviews whether an air pollution control strategy will actually work to reduce air pollution at the proposed source.	We recommend the adoption of the position and explanation in a guidance manual that—consistent with a case-by-case approach—it may be that some best management practices validly used at other facilities are simply not technically feasible at a particular proposed facility.

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	Economic feasibility	Even if the control technology is technically feasible, irrationally expensive controls are precluded. EPA uses a "knee of the curve" statistical analysis that cuts off additional costs on a #/ton emissions reduced when the incremental cost of the next most-expensive control falls out of line with other costs.	We recommend the adoption of the position and explanation in a guidance manual that—even if an approach is technically feasible—best management practices that are incrementally cost ineffective will not be required.
Avian Protection Plan	Corporate Policy	In APP, developer agrees to develop and commit to implement specific company policy to address wind/wildlife issues	APP provides pragmatic mechanism to ensure developers actually use and implement voluntary national guidelines
	Permit Compliance	In APP, developer identifies and implements a process to ensure compliance with permitting requirements and conditions related to wildlife	APP provides pragmatic mechanism to ensure developers obtain and comply with relevant permits
	Site Selection and Design Practices	In APP, developer agrees to implement best siting practices as identified by states and USFWS guidance	APP provides pragmatic mechanism to ensure developers perform macro and micro siting assessment and implement best practices as identified by voluntary national guidance
	Consultation and Information Sharing	In APP, developer agrees to share relevant site and study data and to work cooperatively with USFWS	APP ensures commitment by developer to work with USFWS early before siting decisions are made and to share relevant non-proprietary information
	Avian Reporting System	In APP, developer commits to establish mortality reporting system	APP ensures study & monitoring data are reported to USFWS [and states] in compatible format to advance adaptive management, learning, and site/region comparisons
	Risk Assessment Method	In APP, developer agrees to implement a rigorous method for evaluating avian risks and to use a risk assessment methodology in making siting decisions	APP provides mechanism to ensure developers use risk assessments and advances development of risk evaluation approaches
	Mortality Reduction Measures	In APP, developer agrees to use the results of initial risk assessment to revise siting decisions and identify mitigation upfront.	APP ensures that there is a commitment from developers to use pre-assessment studies to avoid high risk sites and to identify appropriate mitigation upfront

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	Avian Enhancement Options	In APP, developer agrees to develop actions to provide a net benefit to habitat and species	APP ensures that developers pursue innovative actions that go beyond site-specific mitigation and the recommendation of the national guideline provisions to protect migratory birds and bats
	Quality Control and Adaptive Management	In APP, developer agrees to monitor its operations and other wind/wildlife learning continually to improve performance, mitigation, study protocols and methodologies to lower wind-related risks at existing and new sites	APP formalizes and implements adaptive management approach in wind/wildlife context
	Identification of Key Resources	In APP, developer identifies key resources and personnel to address wind/wildlife-related issues	APP ensures company accountability and provides for rapid response capability; also connects company personnel with experts in the field to ensure education and communication
Clean Water Act Stormwater Program	BMPs	Uses a series of BMPs that are standardized	Could be replicated in some locations
	Notification Requirements	Requires notification to EPA in a timely manner	Minimal value because of site variations
	Economic benefits	Provided a project complies with BMPs, approvals are usually issued quickly	Uncertain due to various site differences
Clean Water Act Section 316(b)	Site variability	Agencies focus on site-specific considerations	Allows for unique habitat evaluations
	Complications	Currently under challenge in the Supreme Court	Uncertain, based on upcoming Supreme Court decision
National Environmental Policy Act	Environmental assessment	A (relatively) brief summary of the expected environmental impacts of a project.	For wind, would include wildlife, historical resources, noise, etc. impacts in a public document.
	Environmental impact statement	A full analysis of the expected environmental impacts of a project.	For wind, would include the above impacts, and perhaps an alternatives analysis.

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Clean Water Act/Clean Air Act Categorical Technology Standards	Categorical standards	Provide basic requirements for categories of water and air pollution. May be increased in stringency during case-by-case permitting.	We recommend that the guidelines include some basic best management practices that would be used at all developments, to which may be added additional best practices based on a case-by-case approach.