

WIND SITING IN WISCONSIN

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Small Wind Siting Workshop
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Public Service Commission (PSC)

- ❑ State agency responsible for the regulation of public utilities, including electric providers
- ❑ Consists of three Commissioners appointed by the Governor who issue official decisions by the agency
- ❑ PSC staff advises the Commissioners on regulatory matters

Wind Siting – Prior to October 2009

- ❑ PSC has authority over wind projects 100 MW or larger, or which are proposed by a utility and meet certain cost threshold
- ❑ Wind under 100 MW follows local permitting requirements
- ❑ Local governments cannot restrict, unless the restriction:
 - ❑ Serves to preserve or protect public health or safety
 - ❑ Does not significantly increase cost of system or significantly decrease its efficiency
 - ❑ Allows for an alternative system of comparable cost and efficiency

Wind Siting – Prior to October 2009

- ❑ Local regulations vary greatly and wind developers claim the wind siting environment in Wisconsin is challenging to navigate
- ❑ Governor's Task Force on Global Warming recommended enacting legislation to create uniform standards for siting wind projects at local level
- ❑ 2009 Wisconsin Act 40 passed in September 2009, took effect in October, 2009

Wind Siting – 2009 Act 40

- ❑ Review of projects under 100 MW remains at local level
- ❑ PSC given rulemaking authority to set standards – local governments may not be more restrictive than PSC rules
- ❑ Creates a right to appeal local decision to the PSC

Wind Siting – 2009 Act 40

- Created Wind Siting Council – members representing:
 - Wind developers
 - Towns & counties
 - Energy industry
 - Environmental groups
 - Realtors
 - Non-participating landowners living near a wind project
 - Members of the public
- Council advised the Commission in rulemaking – more than 20 meetings over 4+ months
- Council is also directed to review research re: health impacts and other state, national developments in wind siting and report back to the legislature every 5 years

Wind Siting Rulemaking Status

- ❑ PSC issued draft rules in May, 2010
- ❑ Public comments were accepted until July, 2010
- ❑ Wind Siting Council provided Final Report to PSC August 9, 2010
- ❑ PSC sent rules to legislature for committee review August 31, 2010
- ❑ Legislative committee review resulted in modifications
- ❑ Modified final rules adopted December 27, 2010
- ❑ Rules suspended March 1, 2011

March 11, 2011



PSC's Modified Final Rules – Small Wind

- Local governments can choose whether to restrict wind energy systems
- If local government restricts wind energy systems, cannot be more restrictive than PSC's rules
- Small wind energy systems = up to 3 turbines, each no larger than 100 kW (some rules are different for small wind)
- Frequently used terms
 - Participating = turbine host or other person who contracts to become a participating landowner
 - Nonparticipating = everyone else
 - Occupied community building = school, church or similar place of worship, daycare facility, public library

PSC's Modified Final Rules – Small Wind

Setbacks

- 1.0 times maximum blade tip height (waivable) for small wind from:
 - Occupied community buildings
 - Nonparticipating residences and property lines
 - Overhead communication/electric transmission/distribution lines
- No setback for small wind from:
 - Participating residences or property lines
 - Public right of way
 - Overhead utility service lines to houses, outbuildings

PSC's Modified Final Rules – Small Wind

Noise

- Limit on noise attributable to the wind energy system
 - ▣ Measured at outside wall of nonparticipating residence or occupied community building
 - ▣ 50 dBA during daytime hours
 - ▣ 45 dBA during nighttime hours
 - Nighttime = 10pm to 6am, year-round
- Steady pure tone (whine, whistle, screech, hum – a sound not produced under normal operating conditions) must be eliminated
- Noise study requirements do not apply to small wind

PSC's Modified Final Rules – Small Wind

Shadow Flicker

- Limit on shadow flicker attributable to the wind energy system
- Limit of 30 hours per year at nonparticipating residence or occupied community building
- No mitigation requirement for small wind
- Computer modeling requirement does not apply to small wind

Signal Interference

- Commercial & personal communications
 - ▣ Avoid to extent practicable
 - ▣ No mitigation requirement for small wind

PSC's Modified Final Rules – Small Wind

Stray Voltage

- ❑ Stray voltage testing at dairy or confined animal operations within 0.5 mile of wind energy system facility pursuant to PSC protocol
- ❑ Rectify an stray voltage problem attributable to wind energy system

Construction & Operation

- Conventional finish, advertisements prohibited
- Lighting in compliance with FAA standards
- Clearly mark guy wires & supports so visible to aircraft
- Comply with Nat'l Elec. Code, Nat'l Elec. Safety Code, ch. PSC 114
- Ensure turbine not readily climbable except by auth. personnel
- No underground collector circuit requirement for small wind
- No specific site restoration requirements for small wind
- No 24 hour emergency contact requirement for small wind
- No emergency procedure, planning or training requirements for small wind

PSC's Modified Final Rules – Small Wind

Decommissioning

- Decommissioning presumed to be required if generates no electricity for continuous 540 day period for small wind
- When decommissioning is required, must begin decommissioning within 360 days after end of useful life
- When decommissioning is required, must complete decommissioning within 540 days after end of useful life
- File notice of decommissioning completion when done
- No specific financial assurance provisions for small wind
- No specific site restoration requirements for small wind

PSC's Modified Final Rules – Small Wind

Political Subdivision Additional Requirements

- No option to require good neighbor payments
- No option to require aerial spraying compensation
- No option to require annual O&M reports
- No option to require info on non-binding recommendations from state or federal agencies

PSC's Modified Final Rules – Small Wind

Political Subdivision Procedure

- To regulate wind, must adopt an ordinance that complies with PSC 128 and Wis. Statutes
- Timelines
 - Pre-application notice to political subdivision – 60 days for small wind
 - Time to adopt an ordinance if one does not exist – 4 months
 - Time for review for completeness – 45 days
 - Time for application review for approval/denial – 90 days; possible 90 day extension

PSC's Modified Final Rules – Small Wind

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Political Subdivision Procedure

- Completeness determination – list of application contents in rules and detailed application filing requirements from PSC
- Establish process for accepting written public comments
- Joint application review for multi-jurisdiction projects possible
- Ability charge application fee for reasonable expenses relating to review and processing an application
- May, with notice, require up to 50 percent of estimated fee or reimbursement amount before issuing decision
- No annual or recurring fees to operate or maintain wind energy system

March 11, 2011



PSC's Modified Final Rules – Small Wind

Complaint Process

- Owner of wind energy system must use reasonable efforts to resolve complaints
- Complaint must be made first to wind energy system owner
- If not resolved within 45 days, may petition local government for review
- Local government's decision is appealable to PSC
- No political subdivision complaint monitoring committee option for small wind

Current Legislative Activity

- ❑ January 2011 Special Session Bill 9 (AB9, SB9)

- ❑ Joint Committee for the Review of Administrative Rules
 - ❑ February 9, 2011 – Held Public Hearing
 - ❑ March 1, 2011 – Suspended PSC 128
 - ❑ Committee must introduce a bill to full legislature to support permanent suspension

Additional Resources

- ❑ Wind Siting Legislation – 2009 Wisconsin Act 40
 - ❑ <http://www.legis.state.wi.us/2009/data/acts/09Act40.pdf>
- ❑ Wisconsin Commission Wind Siting Rulemaking Docket 1–AC–231
 - ❑ http://psc.wi.gov/apps/erf_search/default.aspx
- ❑ Wisconsin Legislature: <http://legis.wisconsin.gov/>
 - ❑ Joint Committee for the Review of Administrative Rules
 - ❑ January 2011 Special Session, Special Session Bill 9
- ❑ Deborah Erwin, deborah.erwin@wisconsin.gov

