

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1821

Short Title: DENR Permits for Siting Wind Energy Systems. (Public)

Sponsors: Representatives Thomas, Harrison, Allen (Primary Sponsors); Carney, Coates, Faison, Fisher, Glazier, and Tarleton.

Referred to: Public Utilities, if favorable, Energy and Energy Efficiency.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A SYSTEM OF PERMITS TO BE ISSUED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES FOR THE SITING OF MEDIUM AND LARGE WIND ENERGY SYSTEMS AND TO REQUIRE OPERATORS OF THESE WIND ENERGY SYSTEMS TO OBTAIN A PERMIT TO SITE THEIR WIND ENERGY SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 21 of Chapter 143 of the General Statutes is amended by adding a new Part to read:

"Part 11. Siting Wind Energy Systems.

"§ 143-215.74K. Legislative intent.

It is the intent of the General Assembly to assure that wind energy systems are sited in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

"§ 143-215.74L. Definitions.

As used in this Part, the following definitions apply:

- (1) Large wind energy system. – A wind energy system that generates in excess of two megawatts of energy.
- (2) Medium wind energy system. – A wind energy system that generates more than 20 kilowatts of energy but no more than two megawatts of energy.
- (3) Small wind energy system. – A wind energy system that generates 20 kilowatts of energy or less.
- (4) Wind energy system. – The turbines, buildings, transmission lines, and roads necessary for the operation of a facility that generates energy from wind.

"§ 143-215.74M. Permit to site certain wind energy systems.

1 (a) No person shall operate a medium wind energy system or a large wind energy
2 system without obtaining a permit from the Department to site the wind energy system.
3 Small wind energy systems are not subject to the permit requirement of this section.

4 (b) The Department shall adopt rules governing the siting of wind energy
5 systems that are subject to the permit requirement of this section. These rules shall
6 address all of the following:

7 (1) Procedures for filing a permit application.

8 (2) Procedures that the Department must follow when acting on a permit
9 application, to include a clear and reasonable time line for reviewing
10 and granting or denying a permit application.

11 (3) Siting standards, to be established as conditions of the permit, to
12 include, at a minimum, mitigation as to all of the following:

13 a. Visual impacts.

14 b. Noise impacts.

15 c. Environmental impacts.

16 d. Wildlife impacts.

17 e. Avoidance of impacts to sensitive habitats.

18 f. Avoidance of impacts to views in scenic areas.

19 g. Public health and safety impacts.

20 (4) Requirements for the review of any environmental impacts, to include,
21 at a minimum, an evaluation of all of the following factors:

22 a. Demographics, including people, homes, and businesses.

23 b. Noise and visual impacts.

24 c. Public services and infrastructure.

25 d. Cultural impacts.

26 e. Recreational resources.

27 f. Public health and safety, including air traffic, electromagnetic
28 fields, security, and motor vehicle traffic.

29 g. Hazardous materials.

30 h. Land-based economics, including agriculture, forestry, and
31 mining.

32 i. Topography and soils.

33 j. Geologic and groundwater resources, surface water resources,
34 and wetlands.

35 k. Vegetation, wildlife, and rare and unique natural resources.

36 (5) Procedures for revoking or suspending a permit when violations of the
37 permit terms or other conditions occur.

38 (6) Procedures for public notification and public comment, to include, at a
39 minimum, one or more public hearings in the local community in
40 which the wind project is proposed to be sited, as well as opportunity
41 for formal public comment. Public input shall be considered by the
42 Department in its decision on the permit application.

1 (c) The Department may approve a permit application that, after thorough review
2 and with necessary conditions to mitigate any adverse impact, the Department
3 determines has no significant adverse environmental impacts.

4 (d) The Department may establish a minor permit for medium wind energy
5 systems that may be subject to an expedited permit review process. In counties that have
6 developed model or approved ordinances to govern the siting of medium wind energy
7 systems, an application for a minor permit under this subsection may be reviewed and
8 granted or denied by a local official of the county designated by the county for this
9 purpose.

10 **"§ 143-215.74N. Penalties.**

11 A person who operates a wind energy system without obtaining a permit or who
12 operates a wind energy system in violation of its permit terms and conditions shall be
13 subject to a civil penalty not to exceed ten thousand dollars (\$10,000) per day for large
14 wind energy systems and one thousand dollars (\$1,000) per day for medium wind
15 energy systems."

16 **SECTION 2.** A technical advisory committee shall be established by the
17 Department of Environment and Natural Resources to advise the Department on
18 adopting siting standards and rules consistent with Part 11 of Article 21 of Chapter 143
19 of the General Statutes, as enacted by Section 1 of this act. The membership of the
20 technical advisory committee shall include representatives from various stakeholder
21 groups and shall terminate once these standards and rules are finalized and adopted.

22 **SECTION 3.** This act becomes effective October 1, 2007, and wind energy
23 systems that are subject to the permit requirement of Part 11 of Article 21 of Chapter
24 143 of the General Statutes, as enacted by Section 1 of this act, shall not operate on or
25 after that date unless they are the subject of such a permit.