

CATCHING WIND

October 2009, Volume 1

Wind Permitting Bill Becomes Law of the Land

Governor Doyle's signing of Senate Bill 185 (SB 185), a bill that will create statewide standards for permitting wind projects in Wisconsin, is a powerful demonstration of Wisconsin's desire to welcome new wind energy development within its borders. With Doyle's signature, SB 185 is now 2009 Act 40.

Governor Doyle signed the legislation September 30 at an ABB production facility in New Berlin. Towering behind the signing table were several lines of power conversion systems fabricated at ABB's New Berlin plant for the wind industry. The two legislative co-authors of SB 185, Sen. Jeff Plale and Rep. James Soletski, were on hand to watch their legislation become law.



Governor Doyle signs Senate Bill 185 into law as Act 40. In the front row immediately behind the Governor from left to right, Curt Pawlisch, R.J. Pirlot (bow tie, Wisconsin Manufacturers and Commerce), Senator Jeff Plale, Rep. Soletski, Steven Peters (Rep. Soletski staffer), a Farmers Union representative, (open collar), Ryan Schryver (Clean Wisconsin), and Michael Vickerman (RENEW Wisconsin).

The legislation enjoyed bipartisan support in both chambers. SB 185 cleared the Senate September 15 on a 23-9 vote and the Assembly a day later on a 65-31 vote.

The new law directs the Public Service Commission (PSC) to initiate a rulemaking proceeding for promulgating rules that specify the maximum restrictions that a local government may impose on the installation of wind energy installations, regardless of size and location. During the rulemaking process, the PSC will receive advice and guidance from a stakeholder committee to be convened in the next several weeks.

As part of this proceeding, the PSC will establish minimum setback distances that provide reasonable protection for neighboring residences and occupied structures as well as standards for decommissioning turbines at the end of their operating lives. The rules will also address several other issues relating to the protection of public health and safety, including sound measurement protocols, maximum sound thresholds, moving shadows, communication signal interference and lighting.

The passage of SB 185 culminated a grueling two-year effort by RENEW Wisconsin and other renewable energy supporters to seek a legislative fix to the patchwork quilt of local regulations that has made Wisconsin a veritable minefield for commercial wind developers. In late 2007, RENEW enlisted wind developers, environmental groups and labor to join forces and push back against the blanket restrictions on wind development being adopted willy-nilly by local governments.

Out of this effort emerged Wind for Wisconsin, a broad-based coalition consisting of more than 60 companies and organizations representing farm, labor, environmental, health, and manufacturing constituencies. (See <http://windforwisconsin.blogspot.com>.) The bipartisan nature of the final votes reflected the diversity of groups and businesses united behind the Wind for Wisconsin banner. The breadth of its supporters enabled Wind for Wisconsin and its legislative champions to overcome a well-organized network of opposition groups.

Notwithstanding the substantial winning margins in both chambers, the legislation narrowly survived eight weakening amendments in the Assembly. One of the amendments would have required the PSC to establish setback standards from buildable parcels of land. That amendment was defeated on a tie vote.

Links:

Text of 2009 Act 40.

<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&d=acts09&jd=top>

Statement of Sen. Jeff Plale on Senate approval of SB 185.

<http://www.thewheelerreport.com/releases/sept09/sept15/0915plalewindsiting.pdf>

Statement of Rep. James Soletski on Assembly approval of SB 185.

<http://www.thewheelerreport.com/releases/sept09/sept16/0916soletskiwind.pdf>

“Siting bill sends message to wind industry” by Tom Content, Milwaukee Journal Sentinel
<http://www.jsonline.com/blogs/business/62936992.html>

“State Senate Strongly Backs New Rules for Wind Projects” by RENEW Wisconsin
<http://renewwisconsinblog.org/2009/09/15/state-senate-strongly-backs-new-rules-for-wind-projects>

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Final Environmental Impact Statement Released for Glacier Hills Wind Park

The Public Service Commission of Wisconsin (PSC) and the Department of Natural Resources (DNR) have issued a final Environmental Impact Statement (EIS) for a proposed wind electric generating facility, Glacier Hills Wind Park, in northeast Columbia County.

This final EIS will be a subject of the hearing to be held for this project. The Commission’s decision to approve, modify, or deny Wisconsin Electric Power Company’s application for this project will be based on the record of the technical and public portions of the hearing. The public hearing will be held at 3:00 and 7:00 p.m. on November 4, 2009, at the Randolph Town Hall, 109 South Madison Street, Friesland, Wisconsin.

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Glacier Hills at a Glance

Applicant: Wisconsin Electric Power Company

Location: Towns of Randolph and Scott, Columbia County

No. of Turbines: 90

Type of turbine: Vestas V90 (1.8 MW)

Total project capacity: 162 megawatts

Project area: 17,350 acres

Estimated cost: \$335 - \$413 million

Estimated project life: 30 years

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At the hearing, members of the public may testify about the project or the final EIS. In addition, written comments may be submitted in any of the following ways:

- Written comments submitted at the public hearing.

- Written comments submitted *via* the Commission's ERF system by October 28, 2009. The form used to file comments electronically can be found on the Commission's web page, <http://psc.wi.gov/>, by selecting the *Public Comments* button, then selecting *Wisconsin Electric Power Company (WEPCO) Glacier Hills Wind Park*, Docket 6630-CE-302 from the list provided.

- Written comments may be submitted by mail by October 28, 2009, addressed to:
Docket 6630-CE-302 Comments
Public Service Commission of Wisconsin
P.O. Box 7854
Madison, WI 53707-7854

The hearing to take testimony from technical witnesses is scheduled to begin at 9 a.m. on Monday, November 2, 2009 at the PSC, located at 610 North Whitney Way in Madison.

Below is a list of parties to the technical hearing and their witnesses who have submitted testimony in the technical hearing (as of October 6, 2009).

Wisconsin Electric Power

Terrence Carroll
Jeffrey Elver
Andrew Hesselbach
Stephen Jones
Richard O'Connor
Susan Schumacher

Invenergy

Michael Arndt
Mark Leaman

Citizens Utility Board

Jonathan Wallach

Clean Wisconsin

Jerry Mendl

Town of Randolph

E-Wind

RENEW Wisconsin

Mick Sagrillo
Michael Vickerman

International Brotherhood of Electrical Workers

Coalition for Wisconsin's Environmental Stewardship

Jeffrey Bump
Richard James
Kurt Kielisch
Gerry Meyer
Gary Steinich
Larry Wunsch

Public Service Commission/Department of Natural Resources

Michael John Jaeger (PSC)
Shari Koslowsky (DNR)
Cheryl Laatsch (DNR)
Jim Lepinski (PSC)
David Redell (DNR)

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On the horizon for future issues of *Catching Wind*

- Invenergy's application to construct The Ledge project in Brown County
- PSC rulemaking on uniform permitting standards for wind projects.

About *Catching Wind*:

A RENEW Wisconsin publication, *Catching Wind* reports on news, events and policies affecting commercial wind energy development in Wisconsin. Look for issues of *Catching Wind* at the Wisconsin Wind Information Center web site (under development) and on RENEW Wisconsin's media site (<http://renewmediacenter.blogspot.com>).

About the Wisconsin Wind Information Center:

The Wisconsin Wind Information Center is a RENEW Wisconsin initiative aimed at providing policymakers and the public with an organized and accessible collection of materials devoted to Wisconsin's experience with large-scale wind energy development. With a centralized, on-line information center in place, RENEW hopes to raise the level of public understanding about this rapidly growing energy source and advance social acceptance of wind energy in the state. The insights and information presented in this unique resource will play a critical role in furthering wind energy development here and elsewhere.

This project is funded through a grant from the U.S. Department of Energy. Please follow the Small Wind Toolbox link (<http://www.renewwisconsin.org/toolboxes.htm>) for a comprehensive guide to establishing small wind projects in Wisconsin.