

Wind Siting Council Meeting Minutes
Thursday, July 15, 2010

Members Present:

Tom Green
Doug Zweizig
Lloyd Lueschow
Dan Ebert
Ryan Schryver
George Krause Jr.
Tom Meyer
Larry Wunsch
David Gilles
Jennifer Heinzen
Andy Hesselbach
Jevon McFadden

Members Absent:

Bill Rakocy
Dwight Sattler
Michael Vickerman

Non-Voting Alternates Present:

Tim Osterberg (for Bill Rakocy)

Commission Wind Siting Staff Present:

Deborah Erwin
Lisa Stefanik
John Shenot

Proceedings

- 1) Welcome/Review of today's agenda
- 2) Review and adoption of meeting minutes of June 21, 2010, June 23, 2010, and July 6, 2010
 - Council members reviewed the draft minutes of June 21, 2010 and adopted the minutes with no changes.
 - Council members reviewed the draft minutes of June 23, 2010 and adopted the minutes with a minor change.
 - Council members reviewed the draft minutes of July 6, 2010 and adopted the minutes with no changes.
- 3) Revised straw proposal – revisions based on June 25 ballot results
 - Council members discussed the items highlighted in a revised straw proposal dated July 15, 2010. Council members voted on motions to modify the highlighted portions of the revised straw proposal. Where it appeared possible to achieve consensus based on the discussion, Chair Ebert made a call for consensus.
 - Small wind
 - **Original motion** to have max system size of 500 kW
 - **Motion** to table the motion to have max system size of 500 kW
 - Motion did not pass.
 - **Motion** to have max system size of 500 kW
 - Motion did not pass.
 - **Motion** to have max system size of 300 kW
 - Motion passed.

- Safety setback
 - **Original motion** that safety setbacks from a residence (participating or nonparticipating) or an occupied community building should not be waivable
 - **Motion** to amend the motion to provide that safety setbacks from a residence (participating or nonparticipating) or an occupied community building for small wind be waivable
 - Motion passed.
 - **(Amended motion) Motion** that safety setbacks from a residence (participating or nonparticipating) or an occupied community building should not be waivable, except that that safety setbacks from a residence (participating or nonparticipating) or an occupied community building for small wind be waivable
 - Motion passed.
- Noise
 - **Motion** to have noise standard of 45 dBA at night, 50 dBA daytime, year round
 - Motion passed.
 - **Motion** to strike from straw proposal the line stating “If ambient noise levels exceed the standard, the standard should be [the same/ __ dBA above ambient]”
 - Motion passed.
 - **Call for consensus** – to not specify by rule measures to be taken when noise standards are exceeded.
 - No opposition indicated by Council members in attendance.
 - **Call for consensus** – to require noise testing to the extent technically feasible and appropriate within the limits of currently available sound measurement equipment, as determined by PSC staff
 - No opposition indicated by Council members in attendance.
- Shadow flicker
 - **Motion** to establish shadow flicker limit of 40 hours per year, with mitigation required at 20 hours per year
 - Motion passed.
 - **Motion** to apply shadow flicker performance standard to nonparticipating residences that have filed a building permit at the time general public notification of the wind energy system is given
 - Motion passed.
 - **Motion** to not specify by rule measures to be taken when shadow flicker standards are exceeded or mitigation is required
 - Motion passed.
- Complaint resolution
 - **Call for consensus** – Proposal to utilize hierarchy of complaint venues (1) as contemplated in draft rules, require the developer to establish a complaint resolution process and use reasonable efforts to resolve complaints, (2) allow the political subdivision to use its existing authority to deal with complaints it receives and for complaints not resolved by developer, and (3) allow the PSC to use its existing procedures for processing direct complaints & appeals of complaint decisions. Complainants would not be required to go through all complaint venues & would be able to go straight to the PSC if they choose in accordance with Act 40. Other legal remedies may exist in addition to the venues described here. Require developer to provide notice of these avenues for

complaint when giving other general public notice (as contemplated in draft rules), and also at the time someone makes a complaint.

- No opposition indicated by Council members in attendance.

➤ Decommissioning

- **Call for consensus** – proposal to require decommissioning when a system has not been operational for a continuous 18 months
 - No opposition indicated by Council members in attendance.
- **Call for consensus** – proposal to require restoration of land following decommissioning to preconstruction condition to extent feasible
 - No opposition indicated by Council members in attendance.
- **Call for consensus** – proposal to stipulate penalties for not complying with decommissioning be handled using political subdivision’s existing powers
 - No opposition indicated by Council members in attendance.

➤ Notification

- **Call for consensus** – proposal for large wind energy systems, require developers to notify landowners within 1 mile
 - No opposition indicated by Council members in attendance.
- **Call for consensus** – proposal for large wind energy systems to require general public notification 90 days prior to filing a construction application
 - No opposition indicated by Council members in attendance.
- **Call for consensus** – proposal for small wind energy systems to require general public notification 60 days before filing a construction application
 - No opposition indicated by Council members in attendance.

➤ Application process

- **Call for consensus** – proposal to strike bullet stating “Allow a political subdivision to request additional information of an applicant only if the information is required under the rules”
 - No opposition indicated by Council members in attendance.

➤ Political subdivision process

- **Call for consensus** – proposal to limit fees a political subdivision can charge for reviewing an application for large wind energy system to actual cost to review up to 0.1% of the project cost
 - No opposition indicated by Council members in attendance.
- **Call for consensus** – proposal to limit fees a political subdivision can charge for reviewing an application for small wind energy system to actual cost to review up to 0.05% of the project cost
 - No opposition indicated by Council members in attendance.

➤ Stray voltage

- **Call for consensus** – proposal to require developer/owner to offer stray voltage testing using PSC’s Phase 2 stray voltage testing protocol, require developer/owner to pay for the stray voltage testing, give the utility the opportunity to perform the testing, and if the utility refuses to perform, then the developer is responsible for getting the testing done; developer would only be responsible for fixing stray voltage problems attributable to the wind project
 - No opposition indicated by Council members in attendance.

- 4) Amendments to revised straw proposal
 - Doug Zweizig & Tom Meyer described a list of proposed amendments to the straw proposal. Council members briefly discussed the proposed amendments and asked clarifying questions.
 - Chair Ebert asked Council members to consider these proposed amendments and to be prepared to further discuss them at the next meeting.

- 5) Status update on Commission rule drafting
 - Deb Erwin described that the Commission staff is currently reviewing comments submitted on the proposed rules. Commission staff will not have a completed new draft for the Council to review before the Council submits its report at the end of July. Commission staff plans to complete its final draft of the rules considering the Council's report, and plans to provide the Council with a completed redraft of the rules the first week of August.

- 6) Council's report to Commission
 - Chair Ebert stated that the Council's report will be discussed at the next meeting.

- 7) Next steps/Discussion of next meeting's time, place and agenda
 - Next Council meeting will be Monday, July 19, 2010 at 1:30 p.m.
 - Chair Ebert encouraged Council members to consider the straw proposal and proposed amendments in light of the goal of trying to achieve consensus on the recommendations of the Council to the Commission.

- 8) Adjourn

These draft meeting minutes were prepared by Commission staff and submitted to Dan Ebert, Wind Siting Council Chair and Secretary.