

# Small Wind Permitting Considerations

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# First Things First: Why wind?

- Climate Change:
  - NE goal of reducing ghg emissions to 1990 levels by 2010, to 10% below 1990 levels by 2020, and by as much as 75-80% over the long term.
- Energy Independence and Security:
  - Volatile fossil fuel energy prices
  - Finite versus renewable resources

# State Goals

- At least 2,000 Megawatts (MW) of installed capacity by 2015;
- At least 3,000 MW of installed capacity by 2020, of which there is a potential to produce 300 MW of offshore wind power

# Permitting Regimes

- Municipal
  - Model Wind Facility Ordinance
  - Uniform Building Code
- State
  - DEP Certification or Exemption

# How Small is Small?

- Model Municipal Ordinance:
  - Type 1A: 1 turbine under 80 feet
  - Type 1B: exceeds one or both of the above-referenced turbine height and #
- 100 kW - \_\_\_
  - Small-scale certification required
- Under 100 kW
  - Exempt from state wind development permitting

# Model Ordinance Standards

- Public Safety Setbacks
- Natural Resource Protection: notification of MIFW and MNAP
- Overspeed controls
- 25-foot minimum blade clearance
- Preference for tubular monopole
- Erosion control
- No building mounted turbines
- Visual Screening (for type 1B)
- Noise (reduced for Types 1A and 1B)
- Public Road Conditions
- Minimize artificial raptor habitat

# Municipal permit process

- 1A – 10 day completeness determination; 30 day approval by CEO
- 1B – 30 day completeness review; hearing within 30 days, at discretion of municipal authority, with the decision made within 60 days of completeness determination
- Appeals as provided in zoning ordinance

# State permitting applicability

- Less than 100 kW is exempt from wind development permitting, but may be subject to SLODA, NRPA and Stormwater permitting requirements
- 100 kw - ? may obtain a small-scale wind certification, rather than grid-scale permit, and may also be subject to SLODA, NRPA and Stormwater permitting requirements
- "Grid-scale wind energy development" means a wind energy development that is of a size that would qualify as a development of state or regional significance that may substantially affect the environment as defined under Title 38, section 482, subsection 2, paragraph A or paragraph C.



## State permitting applicability cont'd

- Does the development occupy land or water in excess of 20 acres?
- Is it a “structure?”
  - Buildings, parking lots, roads, paved areas, wharves or areas to be stripped or graded and not to be revegetated that cause a total project to occupy a ground area in excess of 3 acres. Stripped or graded areas that are not revegetated within a calendar year are included in calculating the 3-acre threshold.

# State Certification Standards

- Noise
- Shadow Flicker
- Public Safety
- Impacts of interconnection with the grid
- Public notice

# Final State Certification

- Within 15 days – determination of completeness
- Certification guaranteed within 185 days
- Appeals to BEP must be had within 30 days (court within 40 days)