

File Number: H.F. 2170
Version: As introduced

Date: March 16, 2017

Authors: Drazkowski

Subject: Wind energy: siting and noise complaint issues

Analyst: Bob Eleff

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Overview

H.F. 2170 establishes minimum distances from residences and adjoining property lines at which a wind energy conversion system may be located. The bill also provides a process by which the Minnesota Department of Health reviews complaints of noise from large wind energy systems and forwards those it determines to have merit to the Public Utilities Commission, which may modify or revoke the permit of the wind system. The bill also allows for a wind system permit holder to purchase some or all of the land of a complainant rather than have the permit modified or revoked.

Section

- 1 **[216F.01] Subd. 1a. Commission.** Defines “commission” as the Minnesota Public Utilities Commission.
- 2 **[216F.01] Subd. 1b. Department.** Defines “department” as the Minnesota Department of Health.
- 3 **[216F.02] Exemptions.** Makes small wind energy conversion systems (less than 5 MW capacity) subject to this chapter.
- 4 **[216F.10] Setbacks: wind energy conversion systems.** Prohibits the issuance of a site permit for a wind energy conversion system whose distance to:
 - the closest residence is less than ten times the height of the wind system;

Section

- the property line of a property adjacent to the parcel on which the wind system is located is less than 1.5 times the height of the wind system, unless the system is 350 feet or greater in height, in which case the minimum distance is 1,640 feet.

5 [216F.11] Noise complaints; evaluation. Requires certain state agencies and any political subdivision to forward to the Department of Health by October 1, 2017, any complaints regarding noise from a large wind energy conversion system (LWECS; 5 MW or greater) received before August 1, 2017. Such complaints must continue to be forwarded monthly.

The department must evaluate the complaints, contact the complainant, and may conduct a site investigation for ongoing complaints, at which the Pollution Control Agency may measure the noise level, including low-frequency noise. The department must forward complaints it determines are likely to be associated with a negative health impact to the Public Utilities Commission, which must determine whether there is good cause to modify or revoke the site permit of the LWECS. (Before making such a decision, the commission must abide by current rules that require “providing notice and affording due process to the permit holder.”)

Within 30 days of a decision to modify or revoke a permit, the complainant and the permit holder may agree to negotiate the purchase by the permit holder of some or all of the land owned by the complainant, in which case the permit modification is stayed for 120 days. If no agreement is reached at the end of that time, modification or revocation of the permit proceeds.