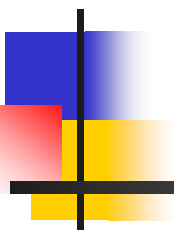


Renewable Energy Regulation In Wisconsin



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Types of Projects Addressed

- Wind Power
- Industrial Fuel/Power Production
 - Anaerobic digestors
 - Ethanol/biodiesel plants
 - Wood-fired boilers



Layers of Governmental Control

- Federal
- State
- Local



Wind Power



Federal Regulation

- Would mostly cover utility scale wind or wind farms (multiple units)
- Environmental Concerns
 - Endangered Species Act
 - Bald and Golden Eagle Protection Act
 - Migratory Bird Act
- Air Security and Safety Concerns
 - Federal Aviation Administration



State Regulation

- State policies support renewable energy, including wind
- Public Service Commission (PSC)-Large scale projects, greater than 100 megawatts
- Department of Natural Resources (DNR)-environmental concerns
- Department of Transportation-aeronautics concerns



Local Regulation

- Sec 66.0401, Stats. – No local regulation unless the restriction:
 - a) serves to preserve or protect public safety
 - b) does not significantly increase the cost of the system or decrease its efficiency
 - c) allows for an alternative system of comparable cost and efficiency
- Restriction on local prohibition upheld by WI Ct of Appeals in *State ex rel Numrich v. City of Mequon* (2001)



Local Regulatory Options

- Permitted Use or
- Conditional Use
- Model Ordinance
 - Utility scale
 - Small scale

Possible Ordinance Coverage Areas



- Setback
- Ground clearance
- Sound
- Safety
- Access
- Lighting
- Appearance
- Code compliance
- Abandonment



Wind Power can be Controversial

- Regulation must pass “reasonableness” test
- More litigation anticipated
- AB 899/SB 544
 - PSC would set standards



Industrial Fuel/Power

- Size or capacity of the facility will affect the degree of regulatory oversight



Federal Regulation

- For all, major federal interest is tax incentives
- For ethanol, federal regulatory interest is:
 - Bureau of Alcohol, Tobacco and Tax
 - Internal Revenue Service
 - Environmental Protection Agency (reformulated gasoline standard)



State Regulation

- W Department of Natural Resources
 - Air and water pollution permit
 - High capacity well
 - Construction/operation, stormwater control
 - Endangered species issues
- W Department of Commerce
 - Storage Tanks



Local Regulation

- Zoning
- Building permits
- Sanitary permits
- Consistency with Smart Growth planning efforts



Summary

- Local governments have significant control over facility siting
- Now is good time to anticipate and plan for new development
- Good resource on siting available at <http://power.wisconsin.gov/>