

HB 470 -- Redline

Introduced to Edition 1 -- Responsible Wind Energy Implementation.

Deletions ~~struck~~ · Insertions underlined

GENERAL ASSEMBLY OF NORTH CAROLINA ~~H.B. SESSION 2017 H 1 HOUSE BILL 470* Short Title:~~
~~470 Mar 23, 2017 SESSION 2017 HOUSE PRINCIPAL CLERK H D HOUSE BILL DRH20026-BH-1A* (02/22) Short Title:~~
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Homeland Security, Military, and Veterans Affairs, if favorable, Energy and Public Utilities, if favorable, Environment March 27, 2017 A BILL TO BE ENTITLED AN ACT TO MINIMIZE INTERFERENCE WITH MILITARY OPERATIONS, ENVIRONMENTAL DEGRADATION, REDUCTION OF PROPERTY RIGHTS, AND HARMS TO PUBLIC HEALTH, SAFETY, AND WELFARE RESULTING FROM THE SITING AND OPERATION OF INDUSTRIAL WIND ENERGY FACILITIES.

H470-v-1 General Assembly Of North Carolina Session 2017 (3) "Wind energy facility expansion" means any activity that (i) adds additional turbines, or substantially(ii) modifies the size or rating of any existing ~~*DRH20026-BH-1A* General Assembly Of North Carolina Session 2017~~ turbines or transmission facilities, including increasing the height of such equipment, turbines, or (iii) changes the footprint of the WEF over that which was initially permitted or (ii) increases the footprint of the wind energy facility over that which was initially permitted.

(2) Identify areas where proposed construction or expansion activities pose minimal risk of interference with civil air navigation or military air Page 2 House Bill 470*-First Edition General Assembly Of North Carolina Session 2017 navigation routes, air traffic control areas, military training routes, special-use air space, radar, or other potentially affected military operations.

~~Page 2 DRH20026-BH-1A* [v.1] (02/17) General Assembly Of North Carolina Session 2017~~ (3) Identify areas where proposed construction or expansion activities pose minimal risk to natural resources and uses, including groundwater, and avian, bat, and endangered and threatened species.

~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 3 General Assembly Of North Carolina Session 2017 (6)(7) A schedule showing the anticipated dates for commencement of construction, testing, and commercial operation of the proposed wind energy facility or proposed wind energy facility expansion.WEF.

Page 4 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017 "Sec. 143-215.119.

If the applicant has submitted Federal Aviation ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 5 General Assembly Of North Carolina Session 2017 Administration Form 7460-1 in order to fulfill the requirements of this subdivision, the applicant shall provide any determination reached by the Federal Aviation Administration at the time the application is submitted to the Department.

The study shall be conducted Page 6 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017 by independent experts selected from a list of providers approved by the Department and paid for by the applicant.

- To the extent that any documents included in the permit application contain verifiable trade secrets or verifiable ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 7 General Assembly Of North Carolina Session 2017 confidential business information, those portions of the documents shall not be subject to disclosure under the North Carolina Public Records Act.

Page 8 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017 (f) Public Hearing and Comment.

Upon decommissioning, the applicant for a ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 9 General Assembly Of North Carolina Session 2017 permit or a permit holder for a WEF shall be responsible for properly disposing of each piece of equipment used in the WEF.

143-215.119.major military installation, or put the Page 10 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017 lives of military personnel in jeopardy, based upon the conclusions of Military Affairs Commission or consulted military personnel.

(8) Construction of the proposed wind energy facility or proposed wind energy facility expansion would be prohibited under Article 14 of Chapter 113A of the General Statutes, the Mountain Ridge Protection Act of 1983.Operation of the proposed WEF would have a significant adverse impact on views or ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 11 General Assembly Of North Carolina Session 2017 other aspects of any State or national park;

If the specific location of a turbine authorized to be constructed pursuant to a "Determination of No Hazard to Air Navigation" or the configuration of the wind energy facility varies from the information submitted by the applicant upon which the Department has made its permit decision, the Department may reevaluate the permit application and require the applicant to submit any additional information the Department deems necessary to approve or deny a permit for the facility as reconfigured.The Page 12 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017

Department shall include, as a condition of a permit for a proposed WEF, a requirement that the applicant satisfactorily resolve all adverse impacts.

~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ Page 13 General Assembly Of North Carolina Session 2017 "Sec. 143-215.122.

Page 14 ~~DRH20026-BH-1A*House [v.1]Bill (02/17)470*-First Edition~~ General Assembly Of North Carolina Session 2017 (e) Any person who owns, operates, or controls a WEF shall be strictly liable, without regard to fault, for damages to persons or property, public or private, caused by the construction, maintenance, operation, decommissioning, disassembly, or demolition of that WEF.

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