

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2367 Session of 2022

INTRODUCED BY MAKO, RYAN, O'NEAL, JAMES, PENNYCUICK, LAWRENCE, M. MACKENZIE, KERWIN, MILLARD, FEE, HELM, DIAMOND, HAMM, BURGOS, TOPPER, WHITE, C. WILLIAMS, METCALFE, ROAE, GILLEN, MALONEY, STRUZZI, ZIMMERMAN, OWLETT, MOUL, GROVE, HEFFLEY AND ROWE, MARCH 8, 2022

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 30, 2022

AN ACT

1 Providing for duty of Department of Environmental Protection to
2 prohibit the construction or installation of wind turbines
3 that negatively affect military installations, for duties of <--
4 wind turbine owners and for authorization processes.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Military
9 Installation Training and Operations Preservation Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Clearinghouse." The Military Aviation and Installation
15 Assurance Siting Clearinghouse.

16 "Department." The Department of Environmental Protection of
17 the Commonwealth.

1 "Wind turbine." A wind turbine or collection of wind  
2 turbines that require notice to be provided to the Federal  
3 Aviation Administration under 14 CFR 77.9 (relating to  
4 construction or alteration requiring notice).

5 "Wind turbine owner." A person or entity that plans to  
6 construct or install a wind turbine in this Commonwealth.

7 ~~Section 3. Duty to prohibit construction of wind turbines that~~ <--  
8 ~~negatively affect military installations.~~

9 ~~A wind turbine shall not present an adverse impact on the~~  
10 ~~mission, training or operation of a military installation within~~  
11 ~~the Commonwealth.~~

12 ~~Section 4. Duties of wind turbine owners.~~

13 ~~(a) Duties. For the purpose of assisting the department in~~  
14 ~~complying with section 3, a wind turbine owner shall, in a~~  
15 ~~manner specified by the department, apply for a request for~~  
16 ~~authorization from the department prior to engaging in the~~  
17 ~~construction or installation of wind turbines. In applying for a~~  
18 ~~request for authorization under this subsection, the wind~~  
19 ~~turbine owner shall provide notice to the department of all of~~  
20 ~~the following:~~

21 ~~(1) The size of each proposed wind turbine.~~

22 ~~(2) The number of proposed wind turbines.~~

23 ~~(3) The area or region where each proposed wind turbine~~  
24 ~~will be constructed.~~

25 ~~(4) Any other necessary information requested by the~~  
26 ~~department.~~

27 ~~(b) Prohibition. A wind turbine owner may not engage in the~~  
28 ~~construction, installation or expansion of a wind turbine until~~  
29 ~~the wind turbine owner has received written notification from~~  
30 ~~the clearinghouse that the proposed project will not have an~~

1 ~~adverse impact on military operations and readiness or that the~~  
2 ~~proposed project will not result in an unacceptable risk to the~~  
3 ~~national security of the United States.~~

4 ~~Section 5. Department notification.~~

5 ~~The following shall apply:~~

6 ~~(1) The department may not issue a required permit or~~  
7 ~~authorization under the laws of this Commonwealth regarding~~  
8 ~~the construction, installation or expansion of a proposed~~  
9 ~~wind turbine unless the department receives the required~~  
10 ~~written notification provided by the clearinghouse under~~  
11 ~~section 4.~~

12 ~~(2) A permit or authorization granted under the laws of~~  
13 ~~this Commonwealth regarding a proposed wind turbine project~~  
14 ~~that has already been granted shall be suspended until an~~  
15 ~~applicant provides to the department the written notification~~  
16 ~~under section 4.~~

17 SECTION 3. PROHIBITION.

<--

18 A WIND TURBINE OWNER MAY NOT ENGAGE IN THE CONSTRUCTION,  
19 INSTALLATION OR EXPANSION OF A WIND TURBINE UNTIL THE WIND  
20 TURBINE OWNER HAS RECEIVED WRITTEN NOTIFICATION FROM THE  
21 CLEARINGHOUSE THAT THE PROPOSED PROJECT WILL NOT HAVE AN ADVERSE  
22 IMPACT ON MILITARY OPERATIONS AND READINESS OR THAT THE PROPOSED  
23 PROJECT WILL NOT RESULT IN AN UNACCEPTABLE RISK TO THE NATIONAL  
24 SECURITY OF THE UNITED STATES.

25 SECTION 4. DEPARTMENT NOTIFICATION.

26 THE DEPARTMENT MAY NOT ISSUE A REQUIRED PERMIT OR  
27 AUTHORIZATION UNDER THE LAWS OF THIS COMMONWEALTH REGARDING THE  
28 CONSTRUCTION, INSTALLATION OR EXPANSION OF A PROPOSED WIND  
29 TURBINE UNLESS THE DEPARTMENT RECEIVES THE REQUIRED WRITTEN  
30 NOTIFICATION PROVIDED BY THE CLEARINGHOUSE UNDER SECTION 3.

1 Section ~~6~~ 5. Applicability. <--

2 This act shall apply to a wind turbine that commences  
3 operations on or after the effective date of this section,  
4 regardless of the status of any other of the wind turbine's  
5 permits or authorizations required under the laws of this  
6 Commonwealth. ~~A wind turbine that will commence operations on or~~ <--  
7 ~~after the effective date of this section shall obtain the~~  
8 ~~authorization required under section 5(1) prior to commencing~~  
9 ~~operations and shall be prohibited from commencing operations~~  
10 ~~until the authorization has been granted by the department. A~~ <--

11 WIND TURBINE OWNER THAT WILL COMMENCE OPERATIONS ON OR AFTER THE  
12 EFFECTIVE DATE OF THIS SECTION SHALL OBTAIN THE WRITTEN  
13 NOTIFICATION FROM THE CLEARINGHOUSE PRIOR TO COMMENCING  
14 OPERATIONS.

15 Section 7 6. Effective date. <--

16 This act shall take effect immediately.