

SENATE FILE NO. SF0051

Wind energy facilities-industrial siting.

Sponsored by: Senator(s) Case and Representative(s) Lindholm and Pelkey

A BILL

for

1 AN ACT relating to industrial siting; expanding the
2 jurisdiction of the industrial siting council over wind
3 energy facilities as specified; providing for hearings to
4 require permitting of wind energy facilities that do not
5 meet existing thresholds as specified; authorizing fees;
6 authorizing rulemaking; and providing for an effective
7 date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-12-120 is created to read:

12

13 **35-12-120. Wind energy facilities; hearings;**
14 **application forms; fees; findings.**

15

1 (a) Any person may apply to the council for a hearing
2 to determine that a wind energy facility that does not meet
3 the definition of a facility as provided in W.S.
4 35-12-102(a)(vii)(E)(I) or (II) should be permitted under
5 this act. The application for hearing form shall set forth
6 the following information:

7

8 (i) The name and address of the applicant;

9

10 (ii) The name and address of the person
11 responsible for the planned or existing facility;

12

13 (iii) A description of the nature and location
14 of the facility;

15

16 (iv) A statement and any documentary evidence as
17 to why the facility should be required to be permitted;

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19 (v) Any other information the applicant
20 considers relevant or required by council rule or
21 regulation.

22

1 (b) At the time of filing an application as provided
2 by this section, the applicant may be required to pay a fee
3 as determined by the director and credited and expended as
4 provided in W.S. 35-12-109(b).

5

6 (c) On receipt of an application, the director shall
7 conduct a review of the application to determine if it
8 contains all the information required by this section and
9 the rules and regulations. Within fifteen (15) days after
10 receipt, the director shall:

11

12 (i) Reject the application if the director
13 determines that it is incomplete and give written notice to
14 the applicant of the specific deficiencies in the
15 application; or

16

17 (ii) Schedule a public hearing and give written
18 notice of the time and date of the hearing to the applicant
19 and the person responsible for the planned or existing
20 facility.

21

22 (d) The council may, after a hearing has been
23 scheduled as provided in this section or upon its own

1 motion, hold a hearing to determine whether the evidence
2 presented to the council demonstrates that the facility
3 should be permitted under this act.

4

5 (e) The council shall find that a facility should be
6 permitted under this act if the evidence demonstrates that:

7

8 (i) Reasonably foreseeable future phases of the
9 planned or existing facility will make the total number of
10 turbines greater than or equal to the threshold in W.S.
11 35-12-102(a)(vii)(E)(I); or

12

13 (ii) The planned or existing installation is or
14 may reasonably be expected to become part of a larger
15 project with other planned or existing installations owned
16 by separate persons and the total number of turbines in the
17 larger project is or will be greater than or equal to the
18 threshold in W.S. 35-12-102(a)(vii)(E)(I).

19

20 (f) Within thirty (30) days from the date of the
21 council's finding that the facility should be permitted,
22 the person responsible for the planned or existing facility

1 shall apply for an industrial siting permit as provided by
2 this act.

3

4 **Section 2.** W.S. 35-12-102(a)(vii)(E)(I), (II) and by
5 creating a new subdivision (III) is amended to read:

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7 **35-12-102. Definitions.**

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9 (a) As used in this chapter:

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11 (vii) "Industrial facility" or "facility" means
12 any industrial facility with an estimated construction cost
13 of at least ninety-six million nine hundred thousand
14 dollars (\$96,900,000.00) as of May 30, 1987. Exempt
15 activities shall not be included in the estimated
16 construction cost of an industrial facility. The council
17 shall adjust this amount, up or down, each year using
18 recognized construction cost indices as the council
19 determines to be relevant to the actual change in
20 construction cost applicable to the general type of
21 construction covered under this chapter. "Facility" also
22 includes, regardless of construction cost:

23

1 (E) Any commercial facility generating
2 electricity from wind and associated collector systems
3 that:

4
5 (I) Consists of thirty (30) or more
6 wind turbines in all planned phases of the installation;~~or~~

7
8 (II) Expand an existing installation
9 not previously defined as a facility to include a total
10 number of turbines greater than or equal to the ~~thresholds~~
11 threshold in subdivision (a)(vii)(E)(I) of this section;~~:-~~

12 or

13
14 (III) Has been determined by the
15 council to require permitting under this act as provided in
16 W.S. 35-12-120.

17

18 **Section 2.** This act is effective July 1, 2018.

19

20

(END)