

Wind Energy Conversion Systems: State, Federal, and Local Permits

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Wind Energy Conversion Systems: Levels of Permitting

- Specific to a Wind Energy Conversion System (WECS):
 - State Permits
 - County Permits
- Other Permits:
 - Federal Permits
 - State Permits
 - Local Permits

WECS Permits

- State Permits:
 - Certificate of Need (Minn. Stat. § 216B.243)
 - Site Permit (Minn. Stat. Ch. 216F)
 - Route Permit (Minn. Stat. § 216E.03, subd. 2)
- County Permits:
 - Conditional Use Permit (County Ordinance)
 - Site Permit (County Ordinance)

WECS Permits: CON

- Certificate of Need (CON):
 - Issued by the Minnesota Public Utilities Commission (PUC)
 - Required for a Large Electric Generating Facility (LEGF)
 - Includes a WECS of 50 MW or more
 - Exemption from CON requirement if:
 - Serves retail customers in MN; and
 - Intended to satisfy Renewable Energy Objective or need identified in PUC-approved or reviewed Integrated Resource Plan; and
 - At least ten percent of total nameplate capacity from C-BED projects.
 - CON also required for high voltage transmission lines (HVTL)
 - CON issued based on the need for the facility

WECS Permits: CON (cont.)

- CON Permitting Process:
 - Submit application to the PUC
 - PUC determines application completeness & establishes review process
 - Environmental Report prepared by the Department of Commerce
 - Public hearing on Certificate of Need application
 - PUC decision issued on Certificate of Need application
- Review process takes a minimum of 7 months

WECS Permits: Site Permits

- Site Permit:
 - Issued by the PUC
 - Required for Large Wind Energy Conversion Systems (LWECS)
 - WECS that is 5 MW or more
 - Power Purchase Agreement (PPA) required
 - Must obtain CON before Site Permit will be issued

WECS Permits: Site Permit (cont.)

- Recent Legislative Changes:
 - Counties may elect to permit facilities less than 25 MW
 - MN Department of Commerce size determination required
 - General Permit Standards established by PUC (see Jan. 11, 2008 Order)
 - Effective January 15, 2008

WECS Permits: Site Permit (cont.)

- Site Permit Permitting Process:
 - Submit application to the PUC
 - Acceptance of application
 - Notice/Mailing
 - PUC Staff person appointed as public advisor
 - Preliminary Determination & Draft Site Permit
 - Public Information Meeting
 - Contested case hearing may be requested
 - Final Decision by the PUC
- Review process takes a minimum of 7 months

WECS Permits: Route Permit

- Route Permit:
 - Issued by the PUC
 - Required for HVTL, unless opt for local review

Local WECS Permits

- Conditional Use Permit (CUP):
 - May be required for:
 - WECS less than 50MW
 - Transmission Lines (not classified as HVTL)
 - HVTL between 100 kV and 200 kV (local review option)
 - Substation (local review option)
 - Application requirements vary
 - Environmental Assessment by local authority may be required

Local WECS Permits (cont.)

- Siting Permit:
 - SWECS (<5 MW)
 - Requirements Vary by Location
 - Model Wind Ordinance
 - LWECS (>5 MW)
 - General Permit Standards
 - Local Ordinance

Other State Permits

- MN Department of Natural Resources:
 - State Threatened and Endangered Species – Consultation & Review
 - Public Water Works Permit
 - License to Cross Public Lands and Waters
- MN Board of Water and Soil Resources:
 - Minnesota Wetland Conservation Act Permit

Other State Permits (cont.)

- MN State Historic Preservation Office (MN SHPO):
 - Cultural and Historic Resources Review
- MN Pollution Control Agency:
 - 401 Water Quality Certification Waiver
 - NPDES Stormwater Permit for Construction
 - Small Quantity Hazardous Waste Generator
 - Above-Ground Storage Tank Notification

Other State Permits (cont.)

- MN Department of Health:
 - Water Well Construction Notification
 - Plumbing Plan Review
- MN Department of Transportation:
 - Utility Access Permit
 - Highway Access Permit
 - Oversized and Overweight Vehicle Permit

Other Local Permits

- County Permits:
 - Operations & Maintenance Building:
 - Zoning Permits
 - Building Permits
 - Individual Septic Tank Systems Permit
 - Well Construction Permit
 - Other Permits:
 - Impact to Public Waters Determination
 - Driveway Permit
 - Utility Permit
 - Overwidth/Overweight Load Permit
 - Sign Permit
- Township Permits

Federal Permits

- United States Army Corps of Engineers:
 - Section 404 Permit
 - Public Water Works Permit
- US Fish and Wildlife Service:
 - Consultation & review regarding impact to Federal Threatened and Endangered Species

Federal Permits (cont.)

- Federal Aviation Administration (FAA):
 - Notice of Proposed Construction or Alteration & Determination of No Hazard
- Federal Energy Regulatory Commission (FERC):
 - Exempt Wholesale Generator Status
 - Market-Based Rate Authorization

Permitting Resources

- Legal and Consulting Firms:
 - Fredrikson & Byron, P.A.
- Minnesota Statutes and Rules:
 - Available online (www.leg.state.mn.us/leg/statutes.asp)
- Agency Websites:
 - e.g., Minnesota Public Utilities Commission (www.puc.state.mn.us)
 - E-Dockets
- County/Township Websites:
 - Ordinances
 - Contact information for local officials

