

1 SB12  
2 152016-4  
3 By Senator Williams  
4 RFD: Energy and Natural Resources  
5 First Read: 14-JAN-14  
6 PFD: 07/19/2013

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8 SYNOPSIS: This act would establish the Alabama Wind  
9 Energy Conversion Systems Act of 2014 to provide  
10 for the effective and efficient use of wind energy  
11 conversion systems.

12 This bill would require a person to obtain  
13 permits from the Alabama Department of  
14 Environmental Management prior to installing or  
15 operating a wind energy conversion system.

16 This bill would authorize the department to  
17 adopt rules regulating the location, design,  
18 installation, and operation of wind energy  
19 conversion systems.

20 This bill would require that the design of  
21 all conversion system towers must be certified by a  
22 licensed engineer with prior experience with wind  
23 energy conversion systems.

24 This bill would also require approval of any  
25 wind energy conversion system by the appropriate  
26 local governing body and compliance with applicable  
27 zoning.

1                   This bill would also provide for the removal  
2                   of abandoned wind energy conversion systems or  
3                   systems that are not kept in proper working order.  
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5                                   A BILL  
6                                   TO BE ENTITLED  
7                                   AN ACT  
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9                   Relating to wind energy conversion systems, to  
10                  provide definitions; to require a person to obtain permits  
11                  from the Alabama Department of Environmental Management prior  
12                  to installing or operating a system; to provide for an  
13                  application process for a permit; to require the certification  
14                  of systems by a licensed engineer with certain experience; to  
15                  provide for regulations for the design, construction, and  
16                  operation of wind energy conversion systems; to provide for  
17                  approval of any wind energy conversion system by the  
18                  appropriate local governing body and for compliance with  
19                  applicable zoning; to provide for the removal of abandoned  
20                  systems; and to provide rulemaking authority to the Alabama  
21                  Department of Environmental Management.

22                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                  Section 1. This act shall be known and may be cited  
24                  as the Alabama Wind Energy Conversion Systems Act of 2014.

25                  Section 2. It is the intent of the Legislature to  
26                  provide for the effective and efficient use of wind energy  
27                  conversion systems with the minimum regulation on the

1 location, design, and installation of conversion systems while  
2 preserving the public health, safety, and welfare of  
3 neighboring property owners or occupants.

4 Section 3. For the purposes of this act, the  
5 following words shall have the following meanings:

6 (1) DECIBEL. The unit of measure for sound pressure  
7 using dBA scale.

8 (2) DEPARTMENT. Alabama Department of Environmental  
9 Management.

10 (3) FINANCIAL ASSURANCE. Any assurance provided in  
11 accordance with acceptable financial assurance instruments,  
12 which include an escrow account, performance bond, or cash.

13 (4) LICENSED ENGINEER. A professional engineer  
14 licensed by the State of Alabama.

15 (5) MANUAL AND AUTOMATIC CONTROLS. Devices that give  
16 protection to power grids and limit rotation of the blades to  
17 below the designed limits of the conversion system.

18 (6) WIND ENERGY CONVERSION SYSTEM or SYSTEM. Any  
19 device such as a wind charger, windmill, or wind turbine that  
20 is designed to convert wind energy to a form of usable energy  
21 for the sole purpose of resale.

22 Section 4. No person shall construct, erect,  
23 install, alter, or locate a wind energy conversion system in  
24 the corporate limits of a municipality unless the respective  
25 municipal governing body has approved the location of the  
26 system. No person shall construct, erect, install, alter, or  
27 locate a wind energy conversion system outside of the

1 corporate limits of a municipality unless the county  
2 commission of the county has approved the location of the  
3 system. In addition, the property upon which the system is  
4 proposed to be located, shall be appropriately zoned by the  
5 respective municipal or county government, if applicable.

6 Section 5. It shall be unlawful to construct, erect,  
7 install, alter, operate, or locate a wind energy conversion  
8 system in this state without first obtaining permits from the  
9 Alabama Department of Environmental Management pursuant to  
10 this act.

11 Section 6. (a) The Alabama Department of  
12 Environmental Management shall adopt rules governing the  
13 construction, installation, and operation of a wind energy  
14 conversion system, including the permit application process.  
15 At a minimum, the rules shall address the following:

16 (1) Submission of information in an application form  
17 requiring, at a minimum, an applicant to submit all of the  
18 following information:

19 a. The applicant's and property owner's name,  
20 address, and email address or telephone number.

21 b. A plot plan showing the location of the  
22 conversion system pole or tower, guy lines where required, guy  
23 line anchor bases, and the distance of each from all property  
24 lines.

25 c. A visual simulation of the proposed wind energy  
26 conversion system.

1           d. A reclamation plan that stipulates how the site  
2 will be restored to its natural state after it ceases to be  
3 operational.

4           (2) Procedures for notification to the public of the  
5 application.

6           (3) Conditions in the permit for all of the  
7 following:

8           a. Turbine types and designs.

9           b. Site layout and construction.

10           c. Operation and maintenance of the system,  
11 including the requirement to restore, to the extent possible,  
12 the area affected by the construction of the system to the  
13 natural conditions that existed immediately before  
14 construction of the system.

15           d. Revocation and suspension of a permit when  
16 violations of the permit or other requirements occur.

17           e. Payment of fees for the necessary and reasonable  
18 costs of the department, including a fee of one thousand  
19 dollars (\$1,000) for each system and all costs of the  
20 department to review the application, including any  
21 engineering fees, inspection fees, and attorney fees incurred  
22 for the duration of the permit.

23           Section 7. (a) An applicant shall maintain financial  
24 assurance in an amount equal to the costs associated with the  
25 reclamation plan and the removal of abandoned or unused wind  
26 energy conversion systems.

1 (b) In addition to the financial assurance required  
2 in subsection (a), an applicant shall maintain financial  
3 assurance in the amount of one million dollars (\$1,000,000) to  
4 cover any liability for damages to adjoining property and any  
5 other damages under law. The financial assurance mechanism  
6 shall remain in full force and effect during the construction  
7 phase of any and all systems covered under the permit and  
8 shall be maintained for the life of the system.

9 Section 8. (a) The safety of the design of all  
10 conversion system towers shall be certified by a licensed  
11 engineer with prior experience with wind energy conversion  
12 systems. The standard for certification shall be good  
13 engineering practices, including the requirement that the  
14 systems comply with all building and electrical codes in this  
15 state.

16 (b) A wind energy conversion system shall be  
17 equipped with manual and automatic overspeed controls to limit  
18 rotation of blades to a speed below the designed limits of the  
19 conversion system. A licensed engineer shall certify that the  
20 rotor and overspeed control design and fabrication conforms  
21 with good engineering practices. Any changes or alterations  
22 from the certified design shall not be permitted unless  
23 accompanied by a licensed engineer's statement of  
24 certification.

25 (c) All electrical compartments, storage facilities,  
26 wire conduit and interconnections with utility companies shall  
27 conform to federal, state, and local law.

1 (d) A visible warning sign of "High Voltage" shall  
2 be placed at the base of all systems. The letters of the sign  
3 shall be a minimum of six inches in height.

4 (e) A tower or pole shall be unclimbable by design  
5 or protected by any of the following anti-climbing devices:

6 (1) Fences with locking portals at least six feet  
7 high.

8 (2) Anti-climbing devices 12 feet from the base of  
9 the pole.

10 (3) Anchor points for guy wires supporting a tower  
11 that are enclosed by a six-foot fence or located within the  
12 confines of a yard that is completely surrounded by a fence.

13 (f) The compatibility of the tower structure with  
14 the rotors and other components of the wind energy conversion  
15 system shall be certified by a licensed engineer.

16 (g) It shall be the responsibility of the property  
17 owner or the applicant to contact all federal, state, and  
18 local regulating agencies regarding additional permits  
19 necessary for the installation of wind energy conversion  
20 systems, to include, but not be limited to, the Federal  
21 Communications Commission, Federal Aviation Agency, and the  
22 Alabama Department of Transportation.

23 (h) A licensed engineer shall certify that the  
24 construction and installation of the wind energy conversion  
25 system meets or exceeds the manufacturer's construction and  
26 installation standards.



1           (i) The noise levels measured at the property line  
2 of the property on which the system has been installed shall  
3 not exceed 40 decibels.

4           (j) A wind energy conversion system may not encroach  
5 upon adjacent properties as determined by a measure of 2,500  
6 feet from the center-mass base of the system to the nearest  
7 edge of the adjacent property.

8           Section 9. A wind energy conversion system or tower  
9 that does not operate continuously for 365 consecutive days  
10 may be deemed abandoned and shall be removed by the operator  
11 of the system. The permit holder may request that the  
12 department delay the designation of abandonment by submitting  
13 satisfactory proof to the department that the system has not  
14 been abandoned and a date when the system will become  
15 operable. The decision to delay a designation of abandonment  
16 shall be at the sole discretion of the department.

17           Section 10. This act shall not interfere with,  
18 abrogate, or annul any covenant or other agreement between any  
19 parties. However, if this act imposes a greater restriction  
20 upon the use of a wind energy conversion system than is  
21 imposed by another law, rule, regulation, covenant, or  
22 agreement, the more restrictive provision shall govern the  
23 wind energy conversion system.

24           Section 11. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.