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# A BILL FOR AN ACT

RELATING TO RENEWABLE ENERGY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 196, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4           "§196-    Placement of small wind energy systems.    (a)

5    Small wind energy systems shall be a permitted use in all land  
6    use districts under chapter 205 where structures of any sort are  
7    allowed, except for the conservation district unless permitted  
8    by the department of land and natural resources pursuant to  
9    chapter 183C; provided that with respect to any small wind  
10   energy system:

11           (1)   For property sizes:

12                    (A)   Between half an acre and one acre, the tower  
13                            height shall be limited to eighty feet; and

14                    (B)   Over one acre, there shall be no limitation on  
15                            the tower height except as imposed by federal  
16                            regulations;

17           (2)   No part of the wind energy system structure, including  
18                    any guy wire anchors, shall extend closer than ten



1           feet to the property boundaries of the installation  
2           site;

3           (3) Small wind energy systems shall not exceed 60 dBA, as  
4           measured at the closest neighboring inhabited  
5           dwelling; provided that the decibel level may be  
6           exceeded during short-term events such as utility  
7           outages or severe wind storms;

8           (4) The wind turbine for the small wind energy system  
9           shall have been approved by a small wind certification  
10           program recognized by the American Wind Energy  
11           Association; and

12           (5) A permit application for a small wind energy system  
13           shall be accompanied by:

14           (A) Standard drawings of the wind turbine structure,  
15           including the tower, base, and footings;

16           (B) An engineering analysis of the tower certified by  
17           a licensed professional engineer; and

18           (C) A line drawing of the electrical components in  
19           sufficient detail to allow for a determination  
20           that the manner of installation conforms to the  
21           National Electric Code which is made applicable



1                   to the State of Hawaii for purposes of this  
2                   section only;

3           (6) All small wind energy systems shall comply with  
4           applicable Federal Aviation Administration  
5           regulations, including any necessary approvals for  
6           installations close to airports; and

7           (7) No small wind energy system shall be installed until  
8           evidence is provided to the permitting agency that the  
9           applicable utility company's interconnection agreement  
10           has been executed.

11           (b) For purposes of this section, "small wind energy  
12 system" means a wind energy conversion system that:

13           (1) Consists of a wind turbine, a tower, and associated  
14           control or conversion electronics;

15           (2) Has a rated capacity of no more than 100 kW; and

16           (3) Is intended to primarily reduce on-site consumption of  
17           utility power.

18           (c) Notwithstanding any law to the contrary, no person  
19 shall be prevented by any covenant, declaration, bylaws,  
20 restriction, deed, lease, term, provision, condition, codicil,  
21 contract, or similar binding agreement, however worded, from  
22 installing a small wind energy system on any real property that



1 the person owns. Any provision in any lease, instrument, or  
 2 contract contrary to the intent of this section shall be void as  
 3 against public policy."

4 SECTION 2. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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**Report Title:**

Renewable Energy; Small Wind Energy Systems

**Description:**

Permits small wind energy systems in all land use districts where structures of any sort are allowed except for the conservation district unless permitted by the department of land and natural resources.

