
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 wind energy systems. (a) Wind
5 energy systems shall be a permitted use in all land use
6 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 wind energy
10 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) 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 wind energy system shall have
9 been approved by a wind certification program
10 recognized by the American Wind Energy Association;
11 and

12 (5) A permit application for a wind energy system shall be
13 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 wind energy systems shall comply with applicable
4 Federal Aviation Administration regulations, including
5 any necessary approvals for installations close to
6 airports; and

7 (7) No 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, "wind energy system"
12 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 3 mW; and

16 (3) Is intended to reduce on-site consumption of diesel
17 fuel by the utility power company.

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 wind energy system on any real property that the



1 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; Wind Energy Systems

Description:

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

