

JAN 23 2020

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# A BILL FOR AN ACT

RELATING TO ENERGY.

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

1           SECTION 1. The legislature finds that Hawaii's clean  
2 energy initiative is admirable and worthy of our best efforts to  
3 achieve one hundred per cent renewable energy by 2045. However,  
4 the goal to eliminate fossil fuels should not result in the  
5 avoidance of scrutiny of green technologies. While wind-powered  
6 energy systems are a valuable source of renewable energy, there  
7 are many unintended consequences of wind-powered energy systems.  
8 There are enormous financial, societal and environmental costs  
9 to industrial wind energy. The building of wind turbines  
10 requires large infusions of tax dollars. The turbines generate  
11 only a quarter to a third of their capacity due to fluctuations  
12 in wind currents; thereby requiring a spinning reserve or the  
13 burning of fossil-fueled generators to spin in neutral and not  
14 make electricity to enable rapid engagement when wind speeds  
15 fluctuate. Large wind turbines pose a threat to wildlife,  
16 including endangered species like the 'ōpe'ape'a, or Hawaiian  
17 hoary bat. Studies have shown human health risks to be related



1 to the proximity of industrial wind turbines. Additionally,  
2 such structures are unsightly and mar the natural beauty of  
3 Hawaii.

4 The legislature further finds that vast amounts of land are  
5 damaged in the building of new roads, clearing of trees and  
6 vegetation, moving of hillsides, and pouring of massive concrete  
7 foundations during the construction of large wind turbines. The  
8 carbon footprint to build and deliver each turbine is therefore  
9 very high. Furthermore, the cost to decommission each turbine  
10 is hundreds of thousands of dollars, which could be borne by  
11 taxpayers should a company go bankrupt. Used turbine parts,  
12 particularly the turbine blades, cannot be recycled and are  
13 destined for the land fill. Communities near wind-powered  
14 energy systems are often subject to extended exposure to  
15 excessive noise levels and are concerned about the safety of  
16 children, who are especially vulnerable to noise pollution.  
17 Individuals living or working near wind-powered energy systems  
18 have reported numerous negative health impacts, including  
19 earaches, dizziness, fainting, migraines, and trouble sleeping.  
20 These symptoms are in addition to nuisance noise levels and



1 shadow flickers caused by the operation of the wind-powered  
2 systems.

3 The purpose of this Act is to require each county to adopt  
4 ordinances that require wind turbines and other wind-powered  
5 energy systems to be set back at least fifteen feet for each one  
6 foot of height, measured from the highest vertical extension of  
7 the system, from all property lines on any land classified as  
8 urban or rural land.

9 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended  
10 by adding a new section to be appropriately designated and to  
11 read as follows:

12 "§46- Wind-powered energy systems; required setbacks.  
13 Each county shall adopt ordinances that establish setback  
14 requirements for wind-powered energy systems. At a minimum,  
15 such ordinances shall require that wind-powered energy systems  
16 be set back fifteen feet for each one foot of height, measured  
17 from the highest vertical extension of the system, from all  
18 property lines on any land classified as urban or rural land."

19 SECTION 3. New statutory material is underscored.  
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# S.B. NO. 2804

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 2804

**Report Title:**

Renewable Energy Technologies Income Tax Credit; Wind-powered Energy Systems; Wind Turbines; Urban Lands; Rural Lands; Setback Requirements

**Description:**

Requires each county to adopt ordinances that require wind turbines and other wind-powered energy systems to be setback at least fifteen feet for each one foot of height, measured from the highest vertical extension of the system, from all property lines on any land classified as urban or rural land.

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