



NEWS RELEASE
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PSC Approves Rule Changes Related to Wind Projects

BISMARCK, ND – The North Dakota Public Service Commission (PSC) has approved two sets of rule changes that strengthen requirements for future wind projects and ensure they are properly decommissioned at the end of their use. The rule changes focus on two different areas related to wind projects: (1) decommissioning requirements for when a wind farm is retired, and (2) lighting systems.

“A half century ago our ancestors made a commitment to ensure that our coal mines would be reclaimed when the prairie became quiet again,” said Commission Chairman Randy Christmann. “These new rules demonstrate a renewed commitment by our generation to ensure that North Dakota’s beautiful landscape will be returned to its splendor when these giant wind turbines reach the end of their usefulness.”

One set of rule changes deals with decommissioning and was put in place to ensure that wind projects are properly taken down and cleaned up when the facility is no longer being used. As wind generation continues to expand in North Dakota and the projects grow in size and scale, the costs and consequences of failed or improper decommissioning have become a concern for the Commission. The rules strengthen the method of ensuring funds for decommissioning and restoration are available throughout the life of the project; heighten decommissioning requirements for future projects; and allow the Commission to effectively monitor the costs for decommissioning and restoration. The PSC has been responsible for ensuring reclamation for coal mining in the state since 1970 and incorporated that success and experience in these rule changes. The new rules include the following:

- Requires decommissioning plans, including cost estimates, are filed with and approved by the Commission prior to operation of the facility.
- Addresses the time a company is allowed to complete decommissioning and outlines specifics such as how far underground they have to remove foundations and other facilities.
- Requires financial assurance for decommissioning of projects sited after July 1, 2017. A two-phased approach will be used with an initial financial assurance being provided prior to construction and financial assurance sufficient to ensure complete decommissioning to be provided prior to operation.

"These new rules are a major step forward to ensuring that adequate resources are in place to take down and reclaim our land when these massive wind generation facilities reach the end of their useful life," said Commissioner Julie Fedorchak. "We also take a step forward in adopting new lighting technology. We will address the issue of lighting systems for new and existing facilities more deeply in our next rule package which we will initiate this summer."

The other set of rule changes deals with lights on wind towers. Current wind towers are equipped with lighting systems that feature red lights that blink 24/7 and are often unpopular with residents and visitors who want to enjoy the night sky. The new rules add a policy criteria to allow preference to be given to wind energy projects that commit to installing light mitigation technology subject to commercial availability and Federal Aviation Administration approval. The Commission has been requiring projects permitted since June 2016 to use aircraft detection lighting systems. The system has a radar that can detect when an aircraft is in the area and the lights only turn on when they are needed.

“It’s important to plan for the future, to ensure the landscape is returned to its preexisting condition once the useful life of a wind energy producing facility has ended,” said Commissioner Brian Kroshus. “The new rules provide the necessary financial and decommissioning assurances needed in order to implement timely, effective restoration plans.”

The rule changes will now be sent to the Legislature’s Administrative Rules Committee for final approval.

The North Dakota Public Service Commission is a constitutionally created state agency with authority to permit, site and regulate certain business activities in the state including electric and gas utilities, telecommunications companies, power plants, electric transmission lines, pipelines, railroads, grain elevators, auctioneers, commercial weighing devices, pipeline safety and coal mine reclamation. For more information, contact the Public Service Commission at (701) 328-2400 or www.psc.nd.gov.

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