

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 513
PROPOSED COMMITTEE SUBSTITUTE S513-PCS45402-RIF-14

Short Title: Modify Rqmts. for Wind Energy Facilities.

(Public)

Sponsors:

Referred to:

March 26, 2025

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH ENHANCED PUBLIC NOTICE REQUIREMENTS FOR
PROPOSED WIND ENERGY FACILITIES AND TO REQUIRE WIND ENERGY
FACILITIES TO INSTALL LIGHT-MITIGATING TECHNOLOGY SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.119 reads as rewritten:

"§ 143-215.119. Permit application requirements; fees; notice of receipt of completed permit; public hearing; public comment.

(a) Permit Requirements. – A person applying for a permit for a proposed wind energy facility or proposed wind energy facility expansion shall include all of the following in an application for the permit:

- (1) A narrative description of the proposed wind energy facility or proposed wind energy facility expansion.
- (2) A map showing the location of the proposed wind energy facility or proposed wind energy facility expansion that identifies the specific location of each turbine.
- (3) A copy of a deed, purchase agreement, lease agreement, or other legal instrument demonstrating the right to construct, expand, or otherwise develop a wind energy facility on the property.
- (4) Identification by name and address of property owners adjacent to the proposed wind energy facility or proposed wind energy facility expansion. The applicant shall notify every property owner ~~identified pursuant to this subdivision~~ located within 1 mile of any property boundary of the facility by registered or certified mail or by any means authorized by G.S. 1A-1, Rule 4, in a form approved by the Department. The applicant shall also notify the board of commissioners for each county and the governing body of each municipality located within 20 miles of the proposed facility. The notice shall include all of the following:
 - a. The location of the proposed wind energy facility or proposed wind energy facility expansion and the specific location of each turbine proposed to be ~~located within one-half mile of the boundary of the adjacent property owner located.~~
 - b. A description of the proposed wind energy facility or proposed wind energy facility expansion.
- (5) A description of civil air navigation or military air navigation routes, air traffic control areas, military training routes, special-use air space, radar, or other



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- 1 military operations that may be affected by the construction or operation of
 2 the proposed wind energy facility or proposed wind energy facility expansion.
- 3 (6) Documentation that addresses any potential adverse impact on military
 4 operations and readiness as identified by the Department of Defense
 5 Clearinghouse pursuant to Part 211 of Title 32 Code of Federal Regulations
 6 (July 1, 2012 edition) and any mitigation actions agreed to by the applicant.
- 7 (7) Documentation that the applicant has either (i) submitted Federal Aviation
 8 Administration Form 7460-1 for the turbines associated with the proposed
 9 wind energy facility or proposed wind energy facility expansion or (ii)
 10 initiated an informal review by the Department of Defense Siting
 11 Clearinghouse of the proposed wind energy facility or proposed wind energy
 12 facility expansion. If the applicant has submitted Federal Aviation
 13 Administration Form 7460-1 in order to fulfill the requirements of this
 14 subdivision, the applicant shall provide any determination reached by the
 15 Federal Aviation Administration at the time the application is submitted to the
 16 Department. If the Federal Aviation Administration has not made a
 17 determination at the time the application is submitted to the Department, the
 18 application shall include a description of the status of the applicant's
 19 engagement with the Federal Aviation Administration and the Department of
 20 Defense Siting Clearinghouse.
- 21 (7a) Documentation that the applicant has filed a request with the Federal Aviation
 22 Administration for approval to install and use a light-mitigating technology
 23 system at the proposed wind energy facility or proposed wind energy facility
 24 expansion in compliance with the requirements of G.S. 143-215.121.1.
- 25 (8) A study of the noise impacts of the turbines to be associated with the proposed
 26 wind energy facility or proposed wind energy facility expansion.
- 27 (9) A study on shadow flicker impacts of the turbines to be associated with the
 28 proposed wind energy facility or proposed wind energy facility expansion,
 29 unless the turbines will be located in a sound or in offshore waters.
- 30 (10) A study of the impact of the proposed wind energy facility or proposed wind
 31 energy facility expansion on natural resources and uses, including avian, bat,
 32 and endangered and threatened species.
- 33 (11) An explanation of how the proposed wind energy facility or proposed wind
 34 energy facility expansion would be consistent with the criteria in subsection
 35 (a) of G.S. 143-215.120.
- 36 (12) The application fee required by subsection (c) of this section.
- 37 (13) A plan regarding the action to be taken upon the decommissioning and
 38 removal of the wind energy facility. The plan shall include an estimate of the
 39 cost to decommission and remove the wind energy facility. The plan shall also
 40 include the anticipated life of the project, an estimate of the cost to
 41 decommission and remove the wind energy facility, a description of the
 42 manner in which the facility will be decommissioned, and a description of the
 43 expected condition of the site once the wind energy facility has been
 44 decommissioned and removed.
- 45 (14) Other data or information the Department may reasonably require.
- 46 ...
- 47 (f) Public Hearing and Comment. – The Department shall hold a public hearing in each
 48 county in which the wind energy facility or wind energy facility expansion is proposed to be
 49 located within 75 days of receipt of a completed permit application. The Department shall
 50 provide notice including the time and location of the public hearing in a newspaper of general
 51 circulation in each applicable county. ~~county in which the wind energy facility or wind energy~~

1 facility expansion is proposed to be located and any counties located within 20 miles of any
2 property boundary of the facility. The notice of public hearing shall be published for at least two
3 consecutive weeks beginning no less than 45 days prior to the scheduled date of the hearing. The
4 notice shall provide that any comments on the proposed wind energy facility or proposed wind
5 energy facility expansion should be submitted to the Department by a specified date, not less
6 than 15 days from the date of the newspaper publication of the notice or 15 days after distribution
7 of the mailed notice, whichever is later. No less than 30 days prior to the scheduled public
8 hearing, the Department shall provide written notice of the hearing to:

9 (1) The North Carolina Utilities Commission.

10 (2) The Office of the Attorney General of North Carolina.

11 (3) The commanding military officer of any potentially affected major military
12 installation or the commanding military officer's designee.

13 (4) The board of commissioners for each county and the governing body of each
14 municipality located within 20 miles of the proposed facility or with
15 jurisdictions over areas in which a potentially affected major military
16 installation is located."

17 **SECTION 2.** G.S. 143-215.120 reads as rewritten:

18 **"§ 143-215.120. Criteria for permit approval; time frame; permit conditions; other**
19 **approvals required.**

20 ...

21 (b) Permit Decision. – The Department shall make a final decision on a permit application
22 within 90 days following receipt of a completed application, except that the Department shall not
23 ~~be required to make a final decision until the Department has received~~ received: (i) a written
24 "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration
25 pursuant to Subpart D of Part 77 of Title 14 of the Code of Federal Regulations (January 1, 2012
26 edition)-edition); and (ii) documentation of the decision of the Federal Aviation Administration
27 to either approve or deny the applicant's request to install and operate a light-mitigating
28 technology system at the proposed wind energy facility or wind energy facility expansion. If the
29 Department requests additional information following the receipt of a completed application, the
30 Department shall make a final decision on a permit application within 30 days of receipt of the
31 requested information. If the Department determines that an application for a wind energy facility
32 or a wind energy facility expansion fails to meet the requirements for a permit under this section,
33 the Department shall deny the application, and the application shall be returned to the applicant
34 accompanied by a written statement of the reasons for the denial and any modifications to the
35 permit application that would make the application acceptable. If the Department fails to act
36 within the time period set forth in this subsection, the applicant may treat the failure to act as a
37 denial of the permit and may challenge the denial as provided under Chapter 150B of the General
38 Statutes.

39"

40 **SECTION 3.** Article 21C of Chapter 143 of the General Statutes is amended by
41 adding a new section to read:

42 **"§ 143-215.121.1. Light-mitigating technology requirements.**

43 (a) An applicant for a permit for a wind energy facility or wind energy facility expansion
44 shall file a request with the Federal Aviation Administration for approval to install and use a
45 light-mitigating technology system that complies with 14 C.F.R. Part 77. If approved by the
46 Federal Aviation Administration, the applicant shall install the light-mitigating technology
47 system on approved turbines prior to commencement of operations of the wind energy facility or
48 wind energy facility expansion.

49 (b) A permit holder for a wind energy facility, not subject to the requirements of
50 subsection (a) of this section, shall file a request with the Federal Aviation Administration for
51 approval to install and use a light-mitigating technology system that complies with 14 C.F.R.

1 Part 77. If approved by the Federal Aviation Administration, the permit holder shall install the
2 light-mitigating technology system on approved turbines no later than 24 months following such
3 approval. The addition of a light-mitigating technology system to an existing wind energy facility
4 permit pursuant to this subsection does not require amendments, revisions, or modifications of
5 any existing wind energy facility permit or any additional permit from the Department. The
6 permit holder shall, however, notify the Department of the addition of a light-mitigating
7 technology system and pay a registration fee of twenty-five dollars (\$25.00).

8 (c) For purposes of this section, the term "light-mitigating technology" means an aircraft
9 detection lighting or any other comparable system capable of reducing the impact of facility
10 obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and
11 avoiding collision with a wind energy facility."

12 **SECTION 4.** This act is effective when it becomes law and applies to permits to
13 construct wind energy facilities or wind energy facility expansions pending or filed on or after
14 that date, except that G.S. 143-215.121.1(b), as enacted by Section 3 of this act, applies to wind
15 energy facilities constructed prior to the effective date of this act, and a permit holder shall file a
16 request with the Federal Aviation Administration as required by G.S. 143-215.121.1(b) no later
17 than 60 days after the date this act becomes law.