Future of offshore wind energy, water withdrawals among issues being tackled in state capitols

By

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Several Great Lakes-related measures have been introduced in state capitols across the region during the first half of 2011, from bills on how to handle future offshore wind energy projects to new legislative proposals on how states should manage their water resources.

Below is a brief synopsis of these bills, some of which either already have been enacted into law or appeared headed toward legislative passage as of late May.

• **Future of offshore wind energy** — Will wind turbines be dotting the Great Lakes shoreline in the years ahead? The policy choices that state legislators make today will go a long way toward answering that question. In Illinois, lawmakers want to create a Lake Michigan Offshore Wind Energy Advisory Council to guide their decisions. Under HB 1558 [3], which had passed both houses as of late May, the council would develop a host of policy recommendations: for example, how to determine the proper siting of offshore wind projects on Lake Michigan and how to compensate the state for the use of lake bottomlands. In Michigan, where some of these initial studies have been done, legislation has been introduced to ban the installation of wind turbines in the lakes. The sponsors of HB 4499 [4] have cited several concerns about offshore wind energy, including its potential impact on the environment and local property values.

• **Indiana’s new Great Lakes council** — With passage of SB 157 [5], the Indiana General Assembly has directed the state’s Environmental Quality Service Council to examine issues related to the supply and quality of Great Lakes water.

• **Tougher invasive species rules** — Minnesota lawmakers want to strengthen how the state regulates and manages invasive species, which have been discovered in more than 1,000 Minnesota lakes and rivers. HF 1162 [6] (passed by the House in May as part of a larger bill on the environment) authorizes the state Department of Natural Resources to conduct more-thorough watercraft inspections, increases penalties for violations, and requires training and permitting for lake service providers.

• **Managing Great Lakes water** — Legislation that would determine how and when states regulate water withdrawals has been introduced in New York and Ohio. The New York bill, AB 5318 [7], was passed by the state Assembly in early May. Under the measure, anyone with the capacity to withdraw more than 100,000 gallons per day would be subject to state permitting requirements.
(There would be some limited exceptions to this rule, including for agricultural users.) Inter-basin transfers of more than 1 million gallons per day would have to be registered with the state Department of Environmental Conservation. Ohio’s bill, SB 170 [8], would set higher thresholds. It would require a withdrawal permit for facilities that withdraw 5 million gallons or more of water from Lake Erie; 2 million gallons a day from groundwater and rivers and streams; and 300,000 gallons from certain designated rivers and streams. All Great Lakes states are in the process of adjusting to and complying with the new rules and requirements set out in the Great Lakes-St. Lawrence River Basin Water Resources Compact [9].

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