



Ohio Starts Holding Wind Industry Accountable

In-state renewable energy mandate eliminated in the Buckeye State; still exists in Michigan

By [JACK SPENCER](#) | June 20, 2014

Ohio Gov. John R. Kasich signed legislation that ends Ohio's in-state wind energy mandate and also signed a measure to keep wind turbines farther away from neighboring property.

Gov. Kasich signed Senate Bill 310 on June 13. Wind plants in Ohio, unlike in Michigan, will now have to try to compete with cheaper wind generated electricity from states where wind power is produced more efficiently. In addition, the legislation freezes the state's overall renewable energy mandate for two years, while lawmakers re-evaluate it.

Michigan still has an in-state wind mandate and the state Legislature has not made any serious effort to end the anti-competitive requirement.

Gov. Kasich has also signed House Bill 483, which establishes that the distance an industrial wind turbine must be from property is measured from the property line instead of the foundation of the home. This begins to take into account manufacturer recommendations that turbines be located at least 1,500 away from housing structures. Wind companies often aim for distances less than what wind turbine manufacturers recommend, causing property value issues and hazards to people when turbines are placed too close.



The Lake Winds Energy Plant surrounds homes in Mason County.

"At one industrial wind plant in Ohio only 12 of 152 turbines would have been allowed if the new distance regulations had been in place when the facility was built," said Kevon Martis, director of the Interstate Informed Citizens Coalition, a non-profit organization that is concerned about the construction of wind turbines in the region. "That's an example of how significant this change is."

For all practical purposes, the term "renewable energy" in Ohio and Michigan has come to mean electricity generated by wind turbines. Michigan and Ohio both are considered relatively poor wind power states. Nearby states Iowa and Minnesota produce electricity generated by wind for a fraction of the cost of wind generated electricity in the Buckeye and Wolverine states.

"A difference between Ohio and Michigan is that wind turbine regulations are set at the state level in Ohio but locally in Michigan," Martis said. "If these kind of new regulations were put in place throughout Michigan, wind developers would face the need to negotiate directly with property owners instead of seeking out agreements with non-participating parties.

"Kentucky has recently adopted even stricter wind turbine regulations than those now in Ohio," Martis continued. "So Kentucky and Ohio have now basically said 'no' to wind. We're hoping Michigan will be next."

In-state wind mandates cannot only lock in inefficient and costly production of electricity, they also appear to violate the Commerce Clause of the U.S. Constitution.

Michigan's in-state mandate requires that 10 percent of the state's electric energy be produced by in-state renewable sources by 2015 and that the law be reviewed in 2015. There is no provision in Michigan's law for measuring emissions to determine the mandate's impact, if any, on the environment.

The American Wind Energy Association did not respond to request for comment.