

Case No. PU-19-290 – Section 69-06-08-01 - Energy Conversion Facility  
Siting Criteria

Case No. PU-19-291 - Chapter 69-09-09 - Wind Facility Decommissioning

9/21/19

Dear Public Service Commissioners,

I am unclear if it is necessary to separate comments to the above into distinct responses; but if so, I will gladly revise, even though they are integrally connected (please advise if editing is required). In regards to the above requests for input, I am offering the following comments:

I'll preface my remarks by noting my financial and administrative (board membership) involvement with both Rolette Power Development and M-Power wind development projects. I'll also make explicit my belief in the science of climate change and our duty as responsible stewards of the environment to control the release of greenhouse gases.

"All of the above." is theoretically the position of North Dakota's regulatory climate in respect to energy development. Unfortunately, my strong impression is that the actual regulation of the various energy sectors is not balanced and strongly disfavors renewable sources, while in many cases taking a minimalist approach to the fossil fuel industry. I realize that the Public Service Commission (PSC) has a much more tangential role in regulation of the fossil fuel sector and this is part of a more over-arching problem for North Dakota, in my opinion. Never the less, there are important areas of overlap and I believe my comments will be of use to the PSC in considering their regulation of the renewable energy sector, so please bear with me.

Let me start with a concrete example that bears directly on one of the presently considered changes in wind energy siting. The proposed change would limit noise from turbines to less than 45db at 100 feet from the nearest residence. At the moment I can step outside of my house, 14 miles southeast of Watford City, ND and 500 yards from 2 currently producing oil wells and measure the sound level from the diesel generator and natural gas flare averaging 59db (peaks at 66db) and his runs 24/7. When the next 5 wells are drilled on this pad, my wife and I can expect the flaring to produce much more noise than this, since we already experienced that when the current wells were at their peak. They were literally like a not-so-distant jet engine, reflecting off the shop wall and into our bedroom. The question is, who in North Dakota is regulating this aspect of the fossil fuel industry? My understanding is that this well pad could be as close as 550', not 500 yards from our house and I would be delighted to know that the siting agency for oil pads had a regulation on noise; but I'm guessing not.

So my recommendation – to be fair - would be to delete the lower noise standard for wind generation facilities – or apply equivalent regulations to oil & gas.

Considering another issue that the PSC has taken a position on (which I advised against at the time), and that is the requirement to mitigate the annoyance some feel about tower lighting. Besides the questions I raised previously about the inherent compromise of safety with the new automated systems, I note the apparent lack of any similar consideration of the light

pollution generated by the hundreds of natural gas flares in our area. Whereas I enjoyed the brilliant stars and northern lights as I went out to do night time chores in our former home at Rolette, these views are nearly gone now in our current home. Even worse, when I come around a bend in the road, the blinding light of either a flare or the flood lights from the local gas plant make it difficult to drive. If I failed to dim my headlights for the highway patrol, I'd get a ticket; but these are much brighter than that. So what North Dakota department do I go to about this?

I am not familiar enough with the nuances of financing to know how the decommissioning (and bonding) regulations compare between renewable and fossil fuel sectors; but hoping that the state of North Dakota has learned some lessons from the abandoned strip mines that still dot the state. I realize that (mostly thanks to Federal legislation and funding), extensive reclamation is now required; but if the state is apparently so committed to leaving things in a pristine condition after development (as occasionally professed), then one would think there would be great enthusiasm among our leaders to actually spend some of the billions derived from fossil fuels to reclaim those old mines.

So I'm in favor of decommissioning regulations that are reasonable (as these appear to be), as long as they are similar in impact with fossil fuel facility regulations to return the hundreds of oil pads, gas plants, coal fired generators and mines to their former conditions.

Lastly, I note that North Dakota seems perfectly content to accept Federal regulations as our standard (as I believe seen in the current request for comment on pipelines, GS-19-217); but when considering renewable sources, there appears to be considerable enthusiasm to go well beyond the Federal regulations. For example, what is the Federal regulation on noise limits to wind turbines? What is the Federal regulation on turbine lighting? When North Dakota was in the spotlight for a much higher mortality rate amongst our oil workers, our leaders declined to consider any standards in excess of what OSHA demanded, even though other oil producing states had stricter standards. In Watford City recently, we were entertained by the explosion of a salt water disposal site. The fireball was hundreds of feet in the air, massive tanks were tossed to similar heights, and of course, there was a mushroom cloud of BLACK smoke that gradually abated over days. This was within the 550 foot limit for residences and evacuations were necessary. When I enquired with the Department of Mineral Resources (DMR), I was told that the site was properly permitted; but that the city zoning had mistakenly allowed residential construction to encroach. So yes, this was a local failure; but my point is that fossil fuel facilities are inherently much more dangerous than wind, but wind is much more restricted in siting limits. Another example of the lack of balance in North Dakota's approach to energy development.

So I can accept the set-back siting limitations; but feel they are overly cautious in light of the extremely infrequent failure of wind turbines, and especially in light of the imbalance compared with regulations regarding fossil fuel operations. I'm sure the PSC will gladly point me to the ND DMR and suggest I take up my complaints there; but the PSC commissioners are also influential leaders outside their role with the PSC and I would hope they see fit to point out some of these imbalances as well.

I appreciate the opportunity to express my opinion and thank you for your time.

Sincerely,

Lyle Best, MD