
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2367 Session of
2022

INTRODUCED BY MAKO, RYAN, O'NEAL, JAMES, PENNYCUICK, LAWRENCE,
M. MACKENZIE, KERWIN, MILLARD, FEE, HELM, DIAMOND, HAMM,
BURGOS, TOPPER, WHITE, C. WILLIAMS, METCALFE, ROAE, GILLEN,
MALONEY, STRUZZI, ZIMMERMAN, OWLETT, MOUL, GROVE, HEFFLEY AND
ROWE, MARCH 8, 2022

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 8, 2022

AN ACT

1 Providing for duty of Department of Environmental Protection to
2 prohibit the construction or installation of wind turbines
3 that negatively affect military installations, for duties of
4 wind turbine owners and for authorization processes.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Military
9 Installation Training Preservation Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Department." The Department of Environmental Protection of
15 the Commonwealth.

16 "Wind turbine." A wind turbine with a capacity of at least
17 100 kilowatts.

1 "Wind turbine owner." A person or entity that plans to
2 construct or install a wind turbine in this Commonwealth.
3 Section 3. Duty to prohibit construction of wind turbines that
4 negatively affect military installations.

5 The department shall have the duty to prohibit the
6 construction or installation of a wind turbine in an area or a
7 region of a military installation in this Commonwealth that may
8 affect the military installation's airspace, flight paths or
9 established training needs in accordance with this act.

10 Section 4. Duties of wind turbine owners.

11 (a) Duties.--For the purpose of assisting the department in
12 complying with section 3, a wind turbine owner shall, in a
13 manner specified by the department, apply for a request for
14 authorization from the department prior to engaging in the
15 construction or installation of wind turbines. In applying for a
16 request for authorization under this subsection, the wind
17 turbine owner shall provide notice to the department of all of
18 the following:

- 19 (1) The size of each proposed wind turbine.
- 20 (2) The number of proposed wind turbines.
- 21 (3) The area or region where each proposed wind turbine
22 will be constructed.
- 23 (4) Any other necessary information requested by the
24 department.

25 (b) Prohibition.--A wind turbine owner may not engage in the
26 construction or installation of a wind turbine until the wind
27 turbine owner has received an authorization from the department
28 under section 5(c)(1) and any other required permits or
29 authorizations in accordance with the laws of this Commonwealth.

30 Section 5. Authorization processes.

1 (a) Forms and methods.--The department shall establish a
2 form and method to allow a wind turbine owner to apply for a
3 request for authorization under section 4(a). Upon receipt of a
4 request for authorization under section 4(a), the department
5 shall immediately forward the request to the Adjutant General.

6 (b) Duties of Adjutant General.--No later than 60 days after
7 receipt of the request for authorization forwarded by the
8 department under subsection (a), the Adjutant General shall
9 review the request and provide comments or information to the
10 department regarding whether a proposed wind turbine will
11 negatively impact a military installation's airspace, flight
12 paths or established training needs.

13 (c) Grant of authorization.--

14 (1) The department shall grant an authorization for the
15 construction or installation of a proposed wind turbine to a
16 wind turbine owner if any of the following apply:

17 (i) The department receives comments or information
18 from the Adjutant General under subsection (b) that the
19 proposed wind turbine will not negatively impact a
20 military installation's airspace, flight paths or
21 established training needs.

22 (ii) The department receives no comments or
23 information under subsection (b) from the Adjutant
24 General within 60 days after receipt of the request for
25 authorization forwarded by the department under
26 subsection (a).

27 (2) The department may not grant an authorization for
28 the construction or installation of a proposed wind turbine
29 to a wind turbine owner if the department receives comments
30 or information from the Adjutant General under subsection (b)

1 that the proposed wind turbine may negatively impact a
2 military installation's airspace, flight paths or established
3 training needs.

4 (d) Other permits or authorization.--The department may not
5 issue any other required permits or authorizations under the
6 laws of this Commonwealth regarding the construction or
7 installation of a proposed wind turbine until the department
8 grants an authorization for the construction or installation of
9 the proposed wind turbine to the wind turbine owner under
10 subsection (c) (1).

11 Section 6. Applicability.

12 This act shall apply to a wind turbine that commences
13 operations on or after the effective date of this section,
14 regardless of the status of any other of the wind turbine's
15 permits or authorizations required under the laws of this
16 Commonwealth. A wind turbine that will commence operations on or
17 after the effective date of this section shall obtain the
18 authorization required under section 5(c) (1) prior to commencing
19 operations and shall be prohibited from commencing operations
20 until the authorization has been granted by the department.

21 Section 7. Effective date.

22 This act shall take effect immediately.