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Date: (Filing No. H-)

ENERGY, UTILITIES AND TECHNOLOGY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 191, L.D. 273, Bill, “An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources”

Amend the bill by striking out the title and substituting the following:

'An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste-to-energy Resources'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 35-A MRSA §3210, sub-§2, ¶B-2, as amended by PL 2009, c. 542, §2, is further amended to read:

B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from eligible resources, waste-to-energy resources or renewable capacity resources.

Sec. 2. 35-A MRSA §3210, sub-§2, ¶D is enacted to read:

D. "Waste-to-energy resource" means a pyrolytic or other waste system that is a source of electrical generation and:

- (1) That is fueled by municipal solid waste in conjunction with recycling;
- (2) Whose total power production capacity does not exceed 35 megawatts;
- (3) That is licensed to comply with the air emission requirement levels for resource recovery facilities established pursuant to Title 38, section 585, including, but not limited to, standards for mercury established pursuant to Title 38, section 585-B, subsection 5;
- (4) That complies with all applicable licensing requirements for solid waste facilities as established pursuant to Title 38, section 1310-N;

COMMITTEE AMENDMENT

1 (5) Whose residuals are transported to a landfill that is licensed to meet at least
2 the performance standards and siting criteria established by rules adopted
3 pursuant to Title 38, section 1304, including, but not limited to, standards
4 prohibiting contamination of groundwater outside the solid waste boundary of
5 landfills; and

6 (6) That is not a party to a power purchase agreement entered into pursuant to
7 the federal Public Utility Regulatory Policies Act of 1978.

8 **Sec. 3. 35-A MRSA §3210, sub-§3-B** is enacted to read:

9 **3-B. Portfolio requirements; waste-to-energy resources.** Portfolio requirements
10 for waste-to-energy resources are governed by this subsection.

11 As a condition of licensing pursuant to section 3203, each competitive electricity provider
12 in this State must demonstrate in a manner satisfactory to the commission that no less
13 than the following percentage of its portfolio of supply sources for retail electricity sales
14 in this State is accounted for by waste-to-energy resources:

15 A. One percent for the period from January 1, 2017 to February 14, 2018; and

16 B. Two and a half percent beginning February 15, 2018.

17 Waste-to-energy resources used to satisfy the requirements of this subsection may not be
18 used to satisfy the requirements of subsection 3 or subsection 3-A.

19 The commission shall adopt rules to implement this subsection. Rules adopted pursuant
20 to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter
21 2-A.

22 **Sec. 4. 35-A MRSA §3210, sub-§8**, as amended by PL 2009, c. 329, Pt. A, §2, is
23 further amended to read:

24 **8. Credit trading.** The commission shall allow competitive electricity providers to
25 satisfy the portfolio requirements of subsections 3 ~~and~~, 3-A ~~and~~ 3-B through the use of
26 renewable energy credits if the commission determines that a reliable system of electrical
27 attribute trading exists. When renewable energy credits are used to satisfy the portfolio
28 requirements of subsections 3 ~~and~~, 3-A ~~and~~ 3-B, the value of a renewable energy credit
29 for electricity generated by a community-based renewable energy project, as defined in
30 section 3602, that is participating in the community-based renewable energy pilot
31 program established in section 3603 and elects the renewable energy credit multiplier
32 under section 3605 is 150% of the amount of the electricity.

33 **Sec. 5. 35-A MRSA §3210, sub-§10** is enacted to read:

34 **10. Alternative compliance payment; portfolio requirements for waste-to-**
35 **energy resources.** The commission shall allow competitive electricity providers to
36 satisfy the portfolio requirements for waste-to-energy resources under subsection 3-B
37 through an alternative compliance payment mechanism in accordance with this
38 subsection.

39 A. The commission shall set the alternative compliance payment base rate at \$10 per
40 megawatt-hour. Beginning January 1, 2018, the commission shall adjust the
41 alternative compliance payment rate by the annual change in the United States

