



General Assembly

February Session, 2006

Raised Bill No. 212

LCO No. 1513

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Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING BIOMASS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (26) of subsection (a) of section 16-1 of the
2 2006 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective October 1, 2006*):

4 (26) "Class I renewable energy source" means (A) energy derived
5 from solar power, wind power, a fuel cell, methane gas from landfills,
6 ocean thermal power, wave or tidal power, low emission advanced
7 renewable energy conversion technologies, a run-of-the-river
8 hydropower facility provided such facility has a generating capacity of
9 not more than five megawatts, does not cause an appreciable change in
10 the river flow, and began operation after July 1, 2003, or a sustainable
11 biomass facility [, including, but not limited to, a biomass gasification
12 plant that utilizes land clearing debris, tree stumps or other biomass
13 that regenerates or the use of which will not result in a depletion of
14 resources, provided such biomass is cultivated and harvested in a
15 sustainable manner and the] with an average emission rate [for such
16 facility is] of equal to or less than .075 pounds of nitrogen oxides per
17 million BTU of heat input for the previous calendar quarter, except

18 that energy derived from a sustainable biomass facility with a capacity
19 of less than five hundred kilowatts that began construction before July
20 1, 2003, may be considered a Class I renewable energy source,
21 [provided such biomass is cultivated and harvested in a sustainable
22 manner,] or (B) any electrical generation, including distributed
23 generation, generated from a Class I renewable energy source.

24 Sec. 2. Subsection (a) of section 16-1 of the 2006 supplement to the
25 general statutes, is amended by adding subdivision (45) as follows
26 (*Effective October 1, 2006*):

27 (NEW) (45) "Sustainable biomass" means land clearing debris, tree
28 stumps or similar wood products where the harvesting of the biomass
29 (A) is in a state where the agency with jurisdiction over forests has
30 verified in its latest report that its supply of commercially harvestable
31 forest biomass has increased after 1980 to the present, (B) complies
32 with the standards of the Forest Stewardship Council or an equivalent
33 industry sponsored forestry sustainability certification organization, or
34 (C) is in a state where at least fifty per cent of the commercial timber
35 stands have been certified by the Forest Stewardship Council or an
36 equivalent industry-sponsored forestry sustainability certification
37 organization. "Sustainable biomass" does not include post-sawmill,
38 paper mill or stud mill finished biomass product, construction or
39 demolition wood, organic refuse fuel derived separately from
40 municipal solid waste, biomass from liquidation harvesting or biomass
41 from old growth timber stands.

42 Sec. 3. Section 16-245a of the 2006 supplement to the general statutes
43 is repealed and the following is substituted in lieu thereof (*Effective*
44 *October 1, 2006*):

45 (a) [(1) On and after January 1, 2004, an electric supplier and an
46 electric distribution company providing transitional standard offer
47 pursuant to section 16-244c shall demonstrate to the satisfaction of the
48 Department of Public Utility Control that not less than one per cent of
49 the total output or services of such supplier or distribution company

50 shall be generated from Class I renewable energy sources and an
51 additional three per cent of the total output or services shall be from
52 Class I or Class II renewable energy sources. On and after January 1,
53 2005, not less than one and one-half per cent of the total output or
54 services of any such supplier or distribution company shall be
55 generated from Class I renewable energy sources and an additional
56 three per cent of the total output or services shall be from Class I or
57 Class II renewable energy sources.] On and after January 1, 2006, an
58 electric supplier and an electric distribution company providing
59 standard service or supplier of last resort service, pursuant to section
60 16-244c, as amended, shall demonstrate that not less than two per cent
61 of the total output or services of any such supplier or distribution
62 company shall be generated from Class I renewable energy sources
63 and an additional three per cent of the total output or services shall be
64 from Class I or Class II renewable energy sources. On and after
65 January 1, 2007, not less than three and one-half per cent of the total
66 output or services of any such supplier or distribution company shall
67 be generated from Class I renewable energy sources and an additional
68 three per cent of the total output or services shall be from Class I or
69 Class II renewable energy sources. On and after January 1 2008, not
70 less than five per cent of the total output or services of any such
71 supplier or distribution company shall be generated from Class I
72 renewable energy sources and an additional three per cent of the total
73 output or services shall be from Class I or Class II renewable energy
74 sources. On and after January 1, 2009, not less than six per cent of the
75 total output or services of any such supplier or distribution company
76 shall be generated from Class I renewable energy sources and an
77 additional three per cent of the total output or services shall be from
78 Class I or Class II renewable energy sources. On and after January 1,
79 2010, not less than seven per cent of the total output or services of any
80 such supplier or distribution company shall be generated from Class I
81 renewable energy sources and an additional three per cent of the total
82 output or services shall be from Class I or Class II renewable energy
83 sources.

84 [(2)] (b) An electric supplier or electric distribution company may
85 satisfy the requirements of [this subsection] subsection (a) of this
86 section by [(A)] (1) purchasing [Class I or Class II renewable energy
87 sources within the jurisdiction of the regional independent system
88 operator, or* within the jurisdiction of New York, Pennsylvania, New
89 Jersey, Maryland, and Delaware, provided the department determines
90 such states have a renewable portfolio standard that is comparable to
91 this section] electricity generated by a Class I or Class II renewable
92 energy source located within the jurisdiction of the regional
93 independent system operator, or (2) purchasing certificates issued by
94 the New England Power Pool generation information system, which
95 certificates are (A) for electricity produced by a generating unit (i)
96 using a Class I or Class II renewable energy source, and (ii) located
97 within the jurisdiction of the regional independent system operator, or
98 (B) for electricity imported into the regional independent system
99 operator control area pursuant to an external transaction for the output
100 of a particular renewable energy resource identified in the regional
101 system operator's market settlement system for purposes of the
102 generation information system, that reflects the attributes of the
103 renewable energy generating unit generating such electricity if (i) such
104 generating unit produces electricity using a Class I or Class II
105 renewable energy source; (ii) such electricity is imported from such
106 generating unit in an adjacent control area into the regional system
107 operator control area with transmission rights over the ties to the
108 regional system operator; (iii) such electricity is actually settled in the
109 market settlement system; (iv) the electric supplier or electric
110 distribution company importing such electricity has registered the
111 applicable generating unit in the generation information system; and
112 (v) such electric supplier or electric distribution company provides the
113 generation information system administrator with evidence, which has
114 been independently verified by the generation information system
115 administrator, that (I) the generating unit actually generated such
116 electricity, (II) a North American Electric Reliability Council tag for
117 such electricity, which tag meets the requirements of the independent

118 system rules for external transactions for electricity and the
119 requirements of the adjacent source system operator, and (III) a
120 certification of the seller of such electricity to the effect that the
121 specified attributes have not been and will not be otherwise sold,
122 retired, claimed, represented as part of electricity sold elsewhere or
123 used to satisfy obligations of another system operator; or [(B)] (3) by
124 participating in a renewable energy trading program within said
125 jurisdictions as approved by the Department of Public Utility Control.

126 [(3)] (c) Any supplier who provides electric generation services
127 solely from a Class II renewable energy source shall not be required to
128 comply with the provisions of this section.

129 [(b)] (d) An electric supplier or an electric distribution company
130 shall base its demonstration of generation sources, as required under
131 subsection (a) of this section on historical data, which may consist of
132 data filed with the regional independent system operator.

133 [(c)] (e) (1) A supplier or an electric distribution company may make
134 up any deficiency within its renewable energy portfolio within the first
135 three months of the succeeding calendar year or as otherwise provided
136 by generation information system operating rules approved by New
137 England Power Pool or its successor to meet the generation source
138 requirements of subsection (a) of this section for the previous year.

139 (2) No such supplier or electric distribution company shall receive
140 credit for the current calendar year for generation from Class I or Class
141 II renewable energy sources pursuant to this section where such
142 supplier or distribution company receives credit for the preceding
143 calendar year pursuant to subdivision (1) of this subsection.

144 [(d)] (f) The department shall adopt regulations, in accordance with
145 the provisions of chapter 54, to implement the provisions of this
146 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	16-1(a)(26)
Sec. 2	<i>October 1, 2006</i>	16-1(a)
Sec. 3	<i>October 1, 2006</i>	16-245a

Statement of Purpose:

To adopt a strict definition of "sustainable biomass" to exclude the burning of construction and demolition waste as a qualifying Class I renewable energy resource and to revise the method by which an electric distribution company or electric supplier can demonstrate compliance with the renewable portfolio standard through purchases outside of the regional system operator's control area.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]