



House of Representatives

General Assembly

File No. 233

February Session, 2008

House Bill No. 5597

House of Representatives, March 27, 2008

The Committee on Energy and Technology reported through REP. FONTANA, S. of the 87th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING BIOMASS.

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

1 Section 1. Subdivision (45) of subsection (a) of section 16-1 of the
2 2008 supplement to the general statutes is repealed and the following
3 is substituted in lieu thereof (*Effective from passage*):

4 (45) "Sustainable biomass" means biomass that is cultivated and
5 harvested in a sustainable manner. "Sustainable biomass" does not
6 mean construction and demolition waste, as defined in section 22a-
7 208x, finished biomass products from sawmills, paper mills or stud
8 mills, organic refuse fuel derived separately from municipal solid
9 waste, or biomass from old growth timber stands, except where (A)
10 such biomass is used in a biomass gasification plant that received
11 funding prior to May 1, 2006, from the Renewable Energy Investment
12 Fund established pursuant to section 16-245n of the 2008 supplement
13 to the general statutes, or (B) the energy derived from such biomass is
14 subject to a long-term power purchase contract pursuant to
15 subdivision (2) of subsection (j) of section 16-244c of the 2008

16 supplement to the general statutes entered into prior to May 1, 2006, or
 17 (C) such biomass is used in a renewable energy facility that [is] was
 18 certified as a Class I renewable energy source by the department
 19 before December 31, 2007, and has a nameplate rating of between
 20 thirty and forty megawatts and that, during calendar year 2007,
 21 produced Class I renewable energy certificates certified by the
 22 department from construction and demolition waste, as defined in
 23 section 22a-208x. Such biomass shall mean sustainable biomass only
 24 until such time as the department certifies that any biomass
 25 gasification plan, as defined in subparagraph (A) of this subsection, [is]
 26 becomes operational and accepting such biomass.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16-1(a)(45)

ET *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
All	Various - Savings	Potential Indeterminate	Potential Indeterminate

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	Savings	Potential Indeterminate	Potential Indeterminate

Explanation

This bill narrows what counts as “sustainable biomass” for purposes of the state’s renewable portfolio standard (RPS), which requires electric companies and competitive electric suppliers to get part of their power from renewable resources. By law, sustainable biomass used in plants that meet specified emission or size limits is considered a type of Class I resource. This bill would allow specific construction and demolition waste to be considered sustainable biomass. By adding this to the defined list of acceptable biomass, there could be a potential cost savings to all rate payers since this addition would help the state meet the RPS.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 5597*****AN ACT CONCERNING BIOMASS.*****SUMMARY:**

This bill narrows what counts as “sustainable biomass” for purposes of the state’s renewable portfolio standard (RPS), which requires electric companies and competitive electric suppliers to get part of their power from renewable resources.

EFFECTIVE DATE: Upon passage

SUSTAINABLE BIOMASS

Under the RPS, electric companies and competitive electric suppliers must get part of their power from renewable resources, with specific mandates for obtaining power from Class I, II, and III resources. By law, sustainable biomass used in plants that meet specified emission or size limits is considered a type of Class I resource. Other biomass facilities are considered a class II resource.

Under current law, four types of biomass generally do not count as sustainable biomass. These are: (1) construction and demolition (C&D) waste, (2) finished biomass products from sawmills, paper mills, or stud mills; (3) organic refuse fuel derived separately from municipal solid waste; or (4) biomass from old growth timber stands.

Current law provides three exceptions to this provision. It permit such biomass to count as a class I resource if:

1. it is used in a gasification plant funded by the Clean Energy Fund before May 1, 2006;
2. the energy from the biomass was the subject of a long-term

contract entered into before May 1, 2006 between an electric company and a renewable resources generator under a program commonly known as Project 100; or

3. the biomass is used in renewable energy facility certified as a Class I renewable energy source by the Department of Public Utility Control (DPUC).

The bill limits the third exception to biomass used in a gasification plant that (1) was certified as a class I renewable energy source before December 31, 2007, (2) has a nameplate rating of between 30 and 40 megawatts, and (3) during calendar year 2007, produced Class I renewable energy certificates certified by DPUC from C&D waste.

By law, the third exception runs until DPUC certifies that the gasification plant described in the first exception has become operational and is accepting the biomass. The bill continues this sunset provision. It is unclear whether it applies the sunset provision to the plants covered by the second exception.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable

Yea 21 Nay 0 (03/11/2008)