



# Senate

General Assembly

**File No. 569**

January Session, 2019

Senate Bill No. 1002

*Senate, April 9, 2019*

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING PHOSPHATE BYWASTES FROM ANAEROBIC DIGESTERS.***

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

1 Section 1. Section 16a-3h of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 On or after October 1, 2013, the Commissioner of Energy and  
4 Environmental Protection, in consultation with the procurement  
5 manager identified in subsection (l) of section 16-2, the Office of  
6 Consumer Counsel and the Attorney General, may solicit proposals, in  
7 one solicitation or multiple solicitations, from providers of the  
8 following resources or any combination of the following resources:  
9 Run-of-the-river hydropower, landfill methane gas, biomass, fuel cell,  
10 offshore wind or anaerobic digestion, provided such source meets the  
11 definition of a Class I renewable energy source pursuant to section 16-  
12 1, or energy storage systems. In making any selection of such  
13 proposals, the commissioner shall consider factors, including, but not  
14 limited to (1) whether the proposal is in the interest of ratepayers,

15 including, but not limited to, the delivered price of such sources, (2)  
16 the emissions profile of a relevant facility, (3) any investments made by  
17 a relevant facility to improve the emissions profile of such facility, (4)  
18 the length of time a relevant facility has received renewable energy  
19 credits, (5) any positive impacts on the state's economic development,  
20 (6) whether the proposal is consistent with requirements to reduce  
21 greenhouse gas emissions in accordance with section 22a-200a,  
22 including, but not limited to, the development of combined heat and  
23 power systems, (7) whether the proposal is consistent with the policy  
24 goals outlined in the Comprehensive Energy Strategy adopted  
25 pursuant to section 16a-3d, (8) whether the proposal promotes electric  
26 distribution system reliability and other electric distribution system  
27 benefits, including, but not limited to, microgrids, (9) whether the  
28 proposal promotes the policy goals outlined in the state-wide solid  
29 waste management plan developed pursuant to section 22a-241a, [and]  
30 (10) the positive reuse of sites with limited development opportunities,  
31 including, but not limited to, brownfields or landfills, as identified by  
32 the commissioner in any solicitation issued pursuant to this section,  
33 and (11) for solicitations involving such anaerobic digestion, whether  
34 technology employed by the owner or operator of such digester  
35 enables the conversion of bywastes that contain concentrated levels of  
36 phosphates into a commercial end product for agricultural use in this  
37 or another state. The commissioner may select proposals from such  
38 resources to meet up to six per cent of the load distributed by the  
39 state's electric distribution companies, provided the commissioner  
40 shall not select proposals for more than three per cent of the load  
41 distributed by the state's electric distribution companies from offshore  
42 wind resources. The commissioner may direct the electric distribution  
43 companies to enter into power purchase agreements for energy,  
44 capacity and environmental attributes, or any combination thereof, for  
45 periods of not more than twenty years on behalf of all customers of the  
46 state's electric distribution companies. Certificates issued by the New  
47 England Power Pool Generation Information System for any Class I  
48 renewable energy sources procured under this section may be: (A)  
49 Sold in the New England Power Pool Generation Information System

50 renewable energy credit market to be used by any electric supplier or  
51 electric distribution company to meet the requirements of section 16-  
52 245a, provided the revenues from such sale are credited to all  
53 customers of the contracting electric distribution company; or (B)  
54 retained by the electric distribution company to meet the requirements  
55 of section 16-245a. In considering whether to sell or retain such  
56 certificates, the company shall select the option that is in the best  
57 interest of such company's ratepayers. Any such agreement shall be  
58 subject to review and approval by the Public Utilities Regulatory  
59 Authority, which review shall be completed not later than sixty days  
60 after the date on which such agreement is filed with the authority. The  
61 net costs of any such agreement, including costs incurred by the  
62 electric distribution companies under the agreement and reasonable  
63 costs incurred by the electric distribution companies in connection  
64 with the agreement, shall be recovered through a fully reconciling  
65 component of electric rates for all customers of electric distribution  
66 companies. All reasonable costs incurred by the Department of Energy  
67 and Environmental Protection associated with the commissioner's  
68 solicitation and review of proposals pursuant to this section shall be  
69 recoverable through the nonbypassable federally mandated congestion  
70 charges, as defined in section 16-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	16a-3h

**ENV**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note****State Impact:** None**Municipal Impact:** None**Explanation**

There is no fiscal impact resulting from the bill, which requires the Department of Energy and Environmental Protection to consider certain factors when reviewing solicitations involving anaerobic digesters.

**The Out Years****State Impact:** None**Municipal Impact:** None

**OLR Bill Analysis****SB 1002*****AN ACT CONCERNING PHOSPHATE BYWASTES FROM ANAEROBIC DIGESTERS.*****SUMMARY**

This bill expands the factors the Department of Energy and Environmental Protection commissioner must consider when selecting proposals from certain Class I renewable energy providers to meet up to 6% of the electric distribution companies' (EDCs) load (i.e., demand).

Under existing law, the commissioner may solicit proposals from Class I providers (e.g., run-of-the-river hydropower, landfill methane gas, biomass, fuel cells, offshore wind, anaerobic digestion) and direct EDCs (i.e., Eversource and United Illuminating) to contract for the purchase of the providers' energy.

The bill specifically requires that for solicitations involving anaerobic digestion, the commissioner must consider if technology used by the digester's owner or operator permits converting bywastes with concentrated phosphate levels into a commercial end product for agricultural use.

EFFECTIVE DATE: October 1, 2019

**COMMITTEE ACTION**

Environment Committee

Joint Favorable

Yea 28    Nay 0    (03/18/2019)