

# HOUSE BILL 1166

C5

(8lr2475)

## **ENROLLED BILL**

—*Economic Matters / Finance*—

Introduced by ~~Delegate Davis~~ **Delegates Davis, Haddaway, Hecht, King, Manno, Mathias, Miller, Minnick, Vaughn, and Walkup**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Renewable Energy Portfolio Standard - Tier 1 Renewable Source - Poultry**  
3 **Litter**

4 FOR the purpose of expanding the definition of a Tier 1 renewable source to include  
5 poultry litter-to-energy; altering the definition of a Tier 2 renewable source to  
6 exclude the incineration of poultry litter; *providing that poultry litter-to-energy*  
7 *is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard*  
8 *only if the source is connected with the electric distribution grid serving*  
9 *Maryland*; repealing a certain limitation on the eligibility of energy produced  
10 from certain sources for inclusion in meeting the renewable energy portfolio  
11 standard; and generally relating to poultry litter and Tier 1 renewable sources  
12 applied to the renewable energy portfolio standard.

13 BY repealing and reenacting, without amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 Article – Public Utility Companies  
 2 Section 7–701(g)  
 3 Annotated Code of Maryland  
 4 (1998 Volume and 2007 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – Public Utility Companies  
 7 Section 7–701(l) and (m) and ~~7–704(a)(4)~~ 7–704(a)(2)(i)1. and (4)  
 8 Annotated Code of Maryland  
 9 (1998 Volume and 2007 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Public Utility Companies**

13 7–701.

14 (g) “Poultry litter” means the fecal and urinary excretions of poultry,  
 15 including wood shavings, sawdust, straw, rice hulls, and other bedding material for  
 16 the disposition of manure.

17 (l) “Tier 1 renewable source” means one or more of the following types of  
 18 energy sources:

19 (1) solar;

20 (2) wind;

21 (3) qualifying biomass;

22 (4) methane from the anaerobic decomposition of organic materials in  
 23 a landfill or wastewater treatment plant;

24 (5) geothermal;

25 (6) ocean, including energy from waves, tides, currents, and thermal  
 26 differences;

27 (7) a fuel cell that produces electricity from a Tier 1 renewable source  
 28 under item (3) or (4) of this subsection; [and]

29 (8) a small hydroelectric power plant of less than 30 megawatts in  
 30 capacity that is licensed or exempt from licensing by the Federal Energy Regulatory  
 31 Commission; **AND**

32 **(9) POULTRY LITTER–TO–ENERGY.**

1 (m) "Tier 2 renewable source" means one or more of the following types of  
2 energy sources:

3 (1) hydroelectric power other than pump storage generation; **AND**

4 (2) [incineration of poultry litter; and

5 (3)] waste-to-energy.

6 7-704.

7 (a) (2) (i) 1. Except as provided in subparagraph 2 of this  
8 subparagraph, energy from a Tier 1 renewable source under § 7-701(l)(1) OR (9) of this  
9 subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only  
10 if the source is connected with the electric distribution grid serving Maryland.

11 ~~(a)~~ (4) [(i)] Energy from a Tier 2 renewable source under § 7-701(m)(1)  
12 or [(3)] (2) of this subtitle is eligible for inclusion in meeting the renewable energy  
13 portfolio standard through 2018 if it is generated at a system or facility that existed  
14 and was operational as of January 1, 2004, even if the facility or system was not  
15 capable of generating electricity on that date.

16 [(ii) Energy from a Tier 2 renewable source under § 7-701(m)(2)  
17 of this subtitle is eligible for inclusion in meeting the renewable energy portfolio  
18 standard, regardless of when the generating system was placed in service, if the  
19 Maryland Energy Administration and the Maryland Department of Agriculture  
20 determine that there is a sufficient quantity of poultry litter available for the economic  
21 viability of any existing and operating entity that is sited on the Delmarva Peninsula  
22 and that, as of July 1, 2004, processed and pasteurized chicken litter as fertilizer.]

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2008.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.