

# SENATE BILL 348

C5

8lr2450  
CF HB 1166

---

By: **Senator Middleton**

Introduced and read first time: January 28, 2008

Assigned to: Finance

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 26, 2008

---

## 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  
8 standard only if the source is connected with the electric distribution grid  
9 servicing Maryland; repealing a certain limitation on the eligibility of energy  
10 produced from certain sources for inclusion in meeting the renewable energy  
11 portfolio standard; and generally relating to poultry litter and Tier 1 renewable  
12 sources applied to the renewable energy portfolio standard.

13 BY repealing and reenacting, without amendments,  
14 Article – Public Utility Companies  
15 Section 7–701(g)  
16 Annotated Code of Maryland  
17 (1998 Volume and 2007 Supplement)

18 BY repealing and reenacting, with amendments,  
19 Article – Public Utility Companies  
20 Section 7–701(l) and (m) and ~~7–704(a)(4)~~ 7–704(a)(2)(i)1. and (4)  
21 Annotated Code of Maryland  
22 (1998 Volume and 2007 Supplement)

---

**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.



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

3 **Article – Public Utility Companies**

4 7–701.

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

8 (1) “Tier 1 renewable source” means one or more of the following types of  
9 energy sources:

10 (1) solar;

11 (2) wind;

12 (3) qualifying biomass;

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

15 (5) geothermal;

16 (6) ocean, including energy from waves, tides, currents, and thermal  
17 differences;

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

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

23 **(9) POULTRY LITTER–TO–ENERGY.**

24 (m) “Tier 2 renewable source” means one or more of the following types of  
25 energy sources:

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

27 (2) [incineration of poultry litter; and

28 (3)] waste–to–energy.

29 7–704.

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

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

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

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.