

# SENATE BILL 616

C5, M5  
SB 548/19 – FIN

2lr1551

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By: **Senators Hough, Corderman, Kagan, Pinsky, Simonaire, West, and Young**  
Introduced and read first time: February 2, 2022  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Renewable Energy Portfolio Standard – Eligible Sources – Waste-to-Energy and**  
3 **Refuse-Derived Fuel**

4 FOR the purpose of making energy derived from waste-to-energy or refuse-derived fuel  
5 ineligible for the creation of credits under the renewable energy portfolio standard;  
6 and generally relating to the renewable energy portfolio standard.

7 BY repealing and reenacting, without amendments,  
8 Article – Public Utilities  
9 Section 7-701(a)  
10 Annotated Code of Maryland  
11 (2020 Replacement Volume and 2021 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Public Utilities  
14 Section 7-701(s) and 7-704(a)  
15 Annotated Code of Maryland  
16 (2020 Replacement Volume and 2021 Supplement)

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

19 **Article – Public Utilities**

20 7-701.

21 (a) In this subtitle the following words have the meanings indicated.

22 (s) “Tier 1 renewable source” means one or more of the following types of energy  
23 sources:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) solar energy, including energy from photovoltaic technologies and solar  
2 water heating systems;

3 (2) wind;

4 (3) qualifying biomass;

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

7 (5) geothermal, including energy generated through geothermal exchange  
8 from or thermal energy avoided by, groundwater or a shallow ground source;

9 (6) ocean, including energy from waves, tides, currents, and thermal  
10 differences;

11 (7) a fuel cell that produces electricity from a Tier 1 renewable source  
12 under item (3) or (4) of this subsection;

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

15 (9) poultry litter-to-energy;

16 (10) ~~waste-to-energy;~~

17 (11) refuse-derived fuel;

18 (12)] thermal energy from a thermal biomass system; and

19 ~~[(13)]~~ (11) raw or treated wastewater used as a heat source or sink for a  
20 heating or cooling system.

21 7-704.

22 (a) (1) Energy from a Tier 1 renewable source:

23 (i) is eligible for inclusion in meeting the renewable energy portfolio  
24 standard regardless of when the generating system or facility was placed in service; and

25 (ii) may be applied to the percentage requirements of the standard  
26 for either Tier 1 renewable sources or Tier 2 renewable sources.

27 (2) (i) Energy from a Tier 1 renewable source under § 7-701(s)(1), (5),  
28 ~~OR (9)~~ [(10), or (11)] of this subtitle is eligible for inclusion in meeting the renewable energy  
29 portfolio standard only if the source is connected with the electric distribution grid serving  
30 Maryland.

1 (ii) Energy from a Tier 1 renewable source under [~~§ 7-701(s)(13)~~] **§**  
2 **7-701(S)(11)** of this subtitle is eligible for inclusion in meeting the renewable energy  
3 portfolio standard only if the source:

4 1. is connected with the electric distribution grid serving  
5 Maryland; or

6 2. processes wastewater from Maryland residents.

7 (iii) If the owner of a solar generating system in this State chooses to  
8 sell solar renewable energy credits from that system, the owner must first offer the credits  
9 for sale to an electricity supplier or electric company that shall apply them toward  
10 compliance with the renewable energy portfolio standard under § 7-703 of this subtitle.

11 (3) Energy from a Tier 1 renewable source under § 7-701(s)(8) of this  
12 subtitle is eligible for inclusion in meeting the renewable energy portfolio standard if it is  
13 generated at a dam that existed as of January 1, 2004, even if a system or facility that is  
14 capable of generating electricity did not exist on that date.

15 (4) Energy from a Tier 2 renewable source under § 7-701(t) of this subtitle  
16 is eligible for inclusion in meeting the renewable energy portfolio standard if it is generated  
17 at a system or facility that existed and was operational as of January 1, 2004, even if the  
18 facility or system was not capable of generating electricity on that date.

19 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing obligation  
20 or contract right may not be impaired in any way by this Act.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2022, and shall be applicable to all renewable energy portfolio standard  
23 compliance years beginning after December 31, 2022.