

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 938

Short Title: REPS/New Hanover Waste to Energy Facility. (Local)

Sponsors: Senator Goolsby (Primary Sponsor).

Referred to: Commerce.

May 31, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT ENERGY PRODUCED BY A WASTE-TO-ENERGY
3 FACILITY UTILIZING MUNICIPAL WASTE IS A RENEWABLE ENERGY
4 RESOURCE FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY
5 AND ENERGY EFFICIENCY PORTFOLIO STANDARDS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 62.133.8(a) reads as rewritten:

8 "(a) Definitions. – As used in this section:

9 (1) "Combined heat and power system" means a system that uses waste heat to
10 produce electricity or useful, measurable thermal or mechanical energy at a
11 retail electric customer's facility.

12 (2) "Demand-side management" means activities, programs, or initiatives
13 undertaken by an electric power supplier or its customers to shift the timing
14 of electricity use from peak to nonpeak demand periods. "Demand-side
15 management" includes, but is not limited to, load management, electric
16 system equipment and operating controls, direct load control, and
17 interruptible load.

18 (3) "Electric power supplier" means a public utility, an electric membership
19 corporation, or a municipality that sells electric power to retail electric
20 power customers in the State.

21 (3a) "Electricity demand reduction" means a measurable reduction in the
22 electricity demand of a retail electric customer that is voluntary, under the
23 real-time control of both the electric power supplier and the retail electric
24 customer, and measured in real time, using two-way communications
25 devices that communicate on the basis of standards.

26 (4) "Energy efficiency measure" means an equipment, physical, or program
27 change implemented after January 1, 2007, that results in less energy used to
28 perform the same function. "Energy efficiency measure" includes, but is not
29 limited to, energy produced from a combined heat and power system that
30 uses nonrenewable energy resources. "Energy efficiency measure" does not
31 include demand-side management.

32 (5) "New renewable energy facility" means a renewable energy facility that
33 either:

34 a. Was placed into service on or after January 1, 2007.



- 1 b. Delivers or has delivered electric power to an electric power supplier
2 pursuant to a contract with NC GreenPower Corporation that was
3 entered into prior to January 1, 2007.
- 4 c. Is a hydroelectric power facility with a generation capacity of 10
5 megawatts or less that delivers electric power to an electric power
6 supplier.
- 7 (6) "Renewable energy certificate" means a tradable instrument that is equal to
8 one megawatt hour of electricity or equivalent energy supplied by a
9 renewable energy facility, new renewable energy facility, or reduced by
10 implementation of an energy efficiency measure that is used to track and
11 verify compliance with the requirements of this section as determined by the
12 Commission. A "renewable energy certificate" does not include the related
13 emission reductions, including, but not limited to, reductions of sulfur
14 dioxide, oxides of nitrogen, mercury, or carbon dioxide.
- 15 (7) "Renewable energy facility" means a facility, other than a hydroelectric
16 power facility with a generation capacity of more than 10 megawatts, that
17 either:
- 18 a. Generates electric power by the use of a renewable energy resource.
19 b. Generates useful, measurable combined heat and power derived from
20 a renewable energy resource.
21 c. Is a solar thermal energy facility.
- 22 (8) "Renewable energy resource" means a solar electric, solar thermal, wind,
23 hydropower, geothermal, or ocean current or wave energy resource; a
24 biomass resource, including agricultural waste, animal waste, wood waste,
25 spent pulping liquors, combustible residues, combustible liquids,
26 combustible gases, energy crops, or landfill methane; waste heat derived
27 from a renewable energy resource and used to produce electricity or useful,
28 measurable thermal energy at a retail electric customer's facility; energy
29 produced by a waste-to-energy facility utilizing municipal waste; or
30 hydrogen derived from a renewable energy resource. "Renewable energy
31 resource" does not include peat, a fossil fuel, or nuclear energy resource."

32 **SECTION 2.** This act applies only in New Hanover County.

33 **SECTION 3.** This act is effective when it becomes law and applies to renewable
34 energy certificates created on or after that date.