

SENATE No. 2274

The Commonwealth of Massachusetts

—————
In the One Hundred and Eighty-Ninth General Court
(2015-2016)
—————

SENATE, Monday, May 2, 2016

The committee on Telecommunications, Utilities and Energy Oversight to whom was referred the petition (accompanied by bill, Senate, No. 1759) of Benjamin B. Downing, Paul W. Mark, Marjorie C. Decker, William Smitty Pignatelli and others for legislation relative to waste-to-energy facilities,- reports the accompanying bill (Senate, No. 2274).

For the committee,
Benjamin B. Downing

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to waste-to-energy-facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 11F½ of chapter 25A of the General Laws, as amended by chapter
2 251 of the Acts of 2014, is hereby amended by striking out subsection (a) and inserting in place
3 thereof the following subsection:-

4 (a) The department shall establish an alternative energy portfolio standard for all retail
5 electricity suppliers selling electricity to end-use customers in the commonwealth. Every retail
6 electric supplier providing service under contracts executed or extended on or after January 1,
7 2009 shall provide a minimum percentage of kilowatt-hour sales, as determined by the
8 department, to end-use customers in the commonwealth from alternative energy generating
9 sources and the department shall annually thereafter determine the minimum percentage of
10 kilowatt-hour sales to end-use customers in the commonwealth which shall be derived from
11 alternative energy generating sources. For the purposes of this section, “alternative energy
12 generating source” shall mean a source which generates energy using any of the following: (i)
13 combined heat and power; (ii) flywheel energy storage; (iii) energy efficient steam technology;;
14 (iv) any facility that generates useful thermal energy using sunlight, biomass, biogas, liquid

15 biofuel, waste-to-energy which is a component of conventional municipal solid waste plant
16 technology in commercial use, or naturally occurring temperature differences in ground, air or
17 water, whereby 1 megawatt-hour of alternative energy credit shall be earned for every 3,412,000
18 British thermal units of net useful thermal energy produced and verified through an on-site utility
19 grade meter or other means satisfactory to the department; provided, however, that facilities
20 using biomass fuel shall be low emission, use efficient energy conversion technologies and fuel
21 that is produced by means of sustainable forestry practices; fuel cells; or (v) any other alternative
22 energy technology approved by the department under an administrative proceeding conducted
23 under chapter 30A.

24 A waste-to-energy facility shall not be an alternative energy generating source under
25 clause (iv) unless it (1) operates or contracts for one or more recycling programs approved by the
26 department of environmental protection and; (2) 50% of any revenue received by the facility
27 through the sale of APS-eligible alternative energy certificates is allocated to such recycling
28 programs. A waste-to energy facility otherwise complying with the requirements of clause (iv)
29 shall be deemed to be an alternative energy generating source regardless of its commercial
30 operation date.

31 The following technologies and fuels shall not be considered alternative energy supplies:
32 (A) coal; (B) petroleum coke; (C) oil; (D) natural gas, except when used in combined heat and
33 power or as a biogas generating useful thermal energy; (E) construction and demolition debris
34 including, but not limited to, chemically-treated wood and (F) nuclear power.

35 SECTION 2. Section 11F½ of chapter 25A is hereby further amended by striking out
36 subsection (e) and inserting in place thereof the following subsection:-

37 (e) Notwithstanding the determination that 1 alternative energy credit is to be earned per
38 3,412,000 British thermal units in subsection (a), the department may provide that for fuel cells
39 and certain nonemitting renewable thermal technologies, an alternative energy credit shall be
40 earned for less than 3,412,000 British thermal units of net useful thermal energy so as to
41 stimulate the development of new on-site renewable thermal energy generating sources.