

SENATE BILL 146

M5, C5
SB 590/23 – EEE

(PRE-FILED)

4r0685
CF HB 166

By: **Senators Lewis Young, Ellis, M. Washington, and West**

Requested: September 22, 2023

Introduced and read first time: January 10, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Renewable Energy Portfolio Standard – Eligible Sources – Alterations**
3 **(Reclaim Renewable Energy Act of 2024)**

4 FOR the purpose of altering the definition of “Tier 1 renewable source” for purposes of
5 excluding energy derived from waste and refuse from being eligible for inclusion in
6 the renewable energy portfolio standard; and generally relating to the renewable
7 energy portfolio standard.

8 BY repealing and reenacting, without amendments,
9 Article – Public Utilities
10 Section 7–701(a)
11 Annotated Code of Maryland
12 (2020 Replacement Volume and 2023 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Public Utilities
15 Section 7–701(s) and 7–704(a)
16 Annotated Code of Maryland
17 (2020 Replacement Volume and 2023 Supplement)

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

Article – Public Utilities

20 7–701.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 sources:

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

4 (2) wind;

5 (3) qualifying biomass;

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

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

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

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

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

16 (9) poultry litter-to-energy;

17 (10) [~~waste-to-energy~~];

18 (11) refuse-derived fuel;

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

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

22 7-704.

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

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

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

28 (2) (i) Energy from a Tier 1 renewable source under § 7-701(s)(1), (5),
29 **OR** (9)[, (10), or (11)] of this subtitle is eligible for inclusion in meeting the renewable energy

1 portfolio standard only if the source is connected with the electric distribution grid serving
2 Maryland.

3 (ii) Energy from a Tier 1 renewable source under ~~§ 7-701(s)(13)~~ **§**
4 **7-701(S)(11)** of this subtitle is eligible for inclusion in meeting the renewable energy
5 portfolio standard only if the source:

6 1. is connected with the electric distribution grid serving
7 Maryland; or

8 2. processes wastewater from Maryland residents.

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

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

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

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
24 renewable energy portfolio standard compliance years starting on or after January 1, 2024.

25 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2024.