

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1918 Session of
2007

INTRODUCED BY STURLA, GEORGE, JOSEPHS, BASTIAN, BELFANTI,
BENNINGTON, CONKLIN, DALEY, DALLY, DePASQUALE, FAIRCHILD,
FRANKEL, FREEMAN, GEIST, HERSHEY, HORNAMAN, KING, KOTIK,
LENTZ, LONGIETTI, R. MILLER, MURT, M. O'BRIEN, PETRONE,
SANTONI, SCAVELLO, SHIMKUS, SOLOBAY, SURRA, THOMAS, WALKO,
YOUNGBLOOD, YUDICHAK AND WANSACZ, OCTOBER 16, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
OCTOBER 16, 2007

AN ACT

1 Amending Title 27 (Environmental Resources) of the Pennsylvania
2 Consolidated Statutes, providing for use of the Growing
3 Greener Bond Fund to support the installation of small wind
4 energy systems; and establishing the Small Wind Energy
5 Assistance Fund.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Sections 6105(b)(1) and 6116(c)(1) of Title 27 of
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 6105. Agencies.

11 * * *

12 (b) The Department of Environmental Protection.--

13 (1) The Department of Environmental Protection shall
14 utilize money it receives from the fund for the following
15 purposes:

16 (i) To implement acid mine drainage abatement and
17 cleanup efforts and plug abandoned and orphan oil and gas

1 wells.

2 (ii) To provide funding for technical assistance and
3 financial incentives to facilitate remining.

4 (iii) To provide grants to a county or other
5 municipality, council of governments, county conservation
6 districts, watershed organizations and other authorized
7 organizations for acid mine drainage abatement, mine
8 cleanup efforts and well plugging.

9 (iv) To provide grants and technical assistance to a
10 county or other municipality, council of governments,
11 county conservation districts, watershed organizations
12 and other authorized organizations to plan and implement
13 local watershed-based conservation efforts.

14 (v) To improve water-quality-impaired watersheds,
15 including those polluted by past mining activities,
16 agricultural and urban runoff, atmospheric deposition,
17 on-lot sewage systems and earthmoving activities.

18 (vii) For watershed protection.

19 (viii) For small wind energy assistance.

20 * * *

21 § 6116. Establishment of bond fund and allocation and use of
22 bond proceeds.

23 * * *

24 (c) Allocation and use of funds.--Moneys in the bond fund
25 shall be allocated and used as follows:

26 (1) The amount of \$230,000,000 to the Department of
27 Environmental Protection for its existing programs for
28 watershed protection, mine and acid mine drainage
29 remediation, plugging of abandoned oil and gas wells,
30 advanced energy projects as authorized in subparagraph (i),

1 small wind energy assistance as authorized in subparagraph
2 (iii), flood protection, geological hazards and brownfields
3 remediation. At least \$60,000,000 shall be used for acid mine
4 drainage abatement and mine cleanup efforts. The Department
5 of Environmental Protection is authorized to make portions of
6 these moneys available to the following Commonwealth agencies
7 and authorities for the purposes designated:

8 (i) up to \$10,000,000 annually to the Energy
9 Development Authority for advanced energy projects; [and]

10 (ii) up to \$5,000,000 annually to the Department of
11 Community and Economic Development for brownfields
12 remediation[.]; and

13 (iii) up to \$11,000,000 to the Small Wind Energy
14 Assistance Fund for purposes of Chapter 64 (relating to
15 small wind energy assistance).

16 * * *

17 Section 2. Title 27 is amended by adding a chapter to read:

18 CHAPTER 64

19 SMALL WIND ENERGY ASSISTANCE

20 Sec.

21 6401. Scope of chapter.

22 6402. Legislative intent.

23 6403. Definitions.

24 6404. Department powers and duties.

25 6405. Fund.

26 6406. Small wind energy system.

27 § 6401. Scope of chapter.

28 This chapter relates to small wind energy assistance.

29 § 6402. Legislative intent.

30 It is the intent of the General Assembly to encourage

Pennsylvania property owners to utilize small wind energy to power heating, cooling, hot water and electrical systems on their property through partially subsidizing installation costs for small wind energy systems.

§ 6403. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Environmental Protection of the Commonwealth.

"Fund." The Small Wind Energy Assistance Fund established in section 6405 (relating to fund).

"Small wind energy." A renewable or alternative energy system that converts wind directly into energy.

"Small wind energy system." An arrangement or combination of components installed that utilizes wind power to produce energy designed to provide heating, cooling, hot water and/or electricity, provided the system is no less than 750 watts and no more than one megawatt.

§ 6404. Department powers and duties.

The department has the following powers and duties:

(1) To administer this chapter.

(2) To administer the fund under section 6405 (relating to fund).

(3) To promulgate regulations to implement this chapter within 18 months of the effective date of this section and establish minimum standards that must be met in addition to the required Federal standards.

§ 6405. Fund.

(a) Establishment.--The Small Wind Energy Assistance Fund is

1 established as a separate fund in the State Treasury.

2 (b) Purpose.--The department shall use the fund to subsidize
3 the installation of small wind energy systems.

4 § 6406. Small wind energy system.

5 (a) General rule.--An owner of property that installs a
6 small wind energy system may be entitled to a reimbursement as
7 provided under this section. The funds shall be allocated on a
8 first-come, first-served basis until the funds are depleted.

9 (b) Limitation.--

10 (1) Reimbursement shall be limited to:

11 (i) 60% of installation costs for systems costing
12 less than \$10,000;

13 (ii) 50% of installation costs for systems costing
14 between \$10,001 and \$20,000;

15 (iii) 40% of installation costs for systems costing
16 between \$20,001 and \$75,000;

17 (iv) 30% of installation costs for systems costing
18 between \$75,001 and \$300,000; and

19 (v) no more than \$90,000 for installation costs for
20 systems costing more than \$300,000.

21 (2) Commercial wind farms which sell wind power are not
22 eligible for reimbursement.

23 (c) Appropriation.--The sum of \$11,000,000 is hereby
24 appropriated from the Growing Greener Bond Fund to the Small
25 Wind Energy Assistance Fund for the fiscal year July 1, 2008, to
26 June 30, 2009, to carry out the provisions of this chapter. This
27 appropriation is a continuing appropriation and shall not lapse.

28 (d) Use of fund.--The moneys in the fund shall be used for
29 the following purposes:

30 (1) The use of supplies and equipment directly related

1 to the installation of a small wind energy system.

2 (2) Maintaining an infrastructure in this Commonwealth
3 so that Pennsylvania-based companies will be able to complete
4 the necessary installations to meet the requirements of the
5 act of November 30, 2004 (P.L.1672, No.213), known as the
6 Alternative Energy Portfolio Standards Act.

7 Section 3. This act shall take effect in 60 days.