
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2078 Session of
2007

INTRODUCED BY DePASQUALE, GEORGE, SURRA, BASTIAN, BELFANTI,
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YOUNGBLOOD AND HORNAMAN, DECEMBER 4, 2007

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
DECEMBER 4, 2007

AN ACT

1 Amending the act of November 30, 2004 (P.L.1672, No.213),
2 entitled, "An act providing for the sale of electric energy
3 generated from renewable and environmentally beneficial
4 sources, for the acquisition of electric energy generated
5 from renewable and environmentally beneficial sources by
6 electric distribution and supply companies and for the powers
7 and duties of the Pennsylvania Public Utility Commission,"
8 further defining "alternative energy sources" and "Tier II
9 alternative energy source."

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The definitions of "alternative energy sources"
13 and "Tier II alternative energy source" in section 2 of the act
14 of November 30, 2004 (P.L.1672, No.213), known as the
15 Alternative Energy Portfolio Standards Act, amended July 17,
16 2007 (P.L.114, No.35), are amended to read:

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 * * *

3 "Alternative energy sources." The term shall include the
4 following existing and new sources for the production of
5 electricity:

6 (1) Solar photovoltaic or other solar electric energy.

7 (2) Solar thermal energy.

8 (3) Wind power.

9 (4) Large-scale hydropower, which shall mean the
10 production of electric power by harnessing the hydroelectric
11 potential of moving water impoundments, including pumped
12 storage that does not meet the requirements of low-impact
13 hydropower under paragraph (5).

14 (5) Low-impact hydropower consisting of any technology
15 that produces electric power and that harnesses the
16 hydroelectric potential of moving water impoundments,
17 provided such incremental hydroelectric development:

18 (i) does not adversely change existing impacts to
19 aquatic systems;

20 (ii) meets the certification standards established
21 by the Low Impact Hydropower Institute and American
22 Rivers, Inc., or their successors;

23 (iii) provides an adequate water flow for protection
24 of aquatic life and for safe and effective fish passage;

25 (iv) protects against erosion; and

26 (v) protects cultural and historic resources.

27 (6) Geothermal energy, which shall mean electricity
28 produced by extracting hot water or steam from geothermal
29 reserves in the earth's crust and supplied to steam turbines
30 that drive generators to produce electricity.

1 (7) Biomass energy, which shall mean the generation of
2 electricity utilizing the following:

3 (i) organic material from a plant that is grown for
4 the purpose of being used to produce electricity or is
5 protected by the Federal Conservation Reserve Program
6 (CRP) and provided further that crop production on CRP
7 lands does not prevent achievement of the water quality
8 protection, soil erosion prevention or wildlife
9 enhancement purposes for which the land was primarily set
10 aside; or

11 (ii) any solid nonhazardous, cellulosic waste
12 material that is segregated from other waste materials,
13 such as waste pallets, crates and landscape or right-of-
14 way tree trimmings or agricultural sources, including
15 orchard tree crops, vineyards, grain, legumes, [sugar]
16 sugars, lignins and other crop by-products or residues.

17 (8) Biologically derived methane gas, which shall
18 include methane from the anaerobic digestion of organic
19 materials from yard waste, such as grass clippings and
20 leaves, food waste, animal waste and sewage sludge. The term
21 also includes landfill methane gas.

22 (9) Fuel cells, which shall mean any electrochemical
23 device that converts chemical energy in a hydrogen-rich fuel
24 directly into electricity, heat and water without combustion.

25 (10) Waste coal, which shall include the combustion of
26 waste coal in facilities in which the waste coal was disposed
27 or abandoned prior to July 31, 1982, or disposed of
28 thereafter in a permitted coal refuse disposal site
29 regardless of when disposed of, and used to generate
30 electricity, or such other waste coal combustion meeting

1 alternate eligibility requirements established by regulation.
2 Facilities combusting waste coal shall use at a minimum a
3 combined fluidized bed boiler and be outfitted with a
4 limestone injection system and a fabric filter particulate
5 removal system. Alternative energy credits shall be
6 calculated based upon the proportion of waste coal utilized
7 to produce electricity at the facility.

8 (11) Coal mine methane, which shall mean methane gas
9 emitting from abandoned or working coal mines.

10 (12) Demand-side management consisting of the management
11 of customer consumption of electricity or the demand for
12 electricity through the implementation of:

13 (i) energy efficiency technologies, management
14 practices or other strategies in residential, commercial,
15 institutional or government customers that reduce
16 electricity consumption by those customers;

17 (ii) load management or demand response
18 technologies, management practices or other strategies in
19 residential, commercial, industrial, institutional and
20 government customers that shift electric load from
21 periods of higher demand to periods of lower demand; or

22 (iii) industrial by-product technologies consisting
23 of the use of a by-product from an industrial process,
24 including the reuse of energy from exhaust gases or other
25 manufacturing by-products that are used in the direct
26 production of electricity at the facility of a customer.

27 (13) Distributed generation system, which shall mean the
28 small-scale power generation of electricity and useful
29 thermal energy.

30 * * *

1 "Tier II alternative energy source." Energy derived from:

2 (1) Waste coal.

3 (2) Distributed generation systems.

4 (3) Demand-side management.

5 (4) Large-scale hydropower.

6 (5) Municipal solid waste.

7 [(6) Generation of electricity utilizing by-products of
8 the pulping process and wood manufacturing process, including
9 bark, wood chips, sawdust and lignin in spent pulping
10 liquors.]

11 (7) Integrated combined coal gasification technology.

12 * * *

13 Section 2. This act shall take effect in 60 days.