

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 31**Special Session No. 1 of  
2007-2008

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INTRODUCED BY D. WHITE, RHOADES, WOZNIAK, M. WHITE, WONDERLING,  
WAUGH AND BROWNE, NOVEMBER 2, 2007

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SENATOR M. WHITE, ENERGY POLICIES, AS AMENDED, NOVEMBER 27, 2007

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## 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 providing for definitions.

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

11 Section 1. The definition "alternative energy sources" in  
12 section 2 of the act of November 30, 2004 (P.L.1672, No.213),  
13 known as the Alternative Energy Portfolio Standards Act, is  
14 amended to read:

15 Section 2. Definitions.

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

19 \* \* \*

20 "Alternative energy sources." The term shall include the

1 following existing and new sources for the production of  
2 electricity:

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

4 (2) Solar thermal energy.

5 (3) Wind power.

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

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

15 (i) does not adversely change existing impacts to  
16 aquatic systems;

17 (ii) meets the certification standards established  
18 by the Low Impact Hydropower Institute and American  
19 Rivers, Inc., or their successors;

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

22 (iv) protects against erosion; {and}

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23 (v) protects cultural and historic resources[.];

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24 RESOURCES.

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25 ~~(vi) has a nameplate capacity of 21 megawatts or~~  
26 ~~less; and~~

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27 ~~(vii) has a license issued by the Federal Energy~~  
28 ~~Regulatory Commission for the hydropower source on or~~  
29 ~~prior to January 1, 1984, and was held in whole or in~~  
30 ~~part by a municipality located wholly within this~~

~~Commonwealth or by an electric cooperative located wholly  
within this Commonwealth on July 1, 2007.~~

NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II), THE TERM  
"LOW-IMPACT HYDROPOWER" SHALL ALSO INCLUDE A HYDROELECTRIC  
DEVELOPMENT WHICH HAS A NAMEPLATE CAPACITY OF 21 MEGAWATTS OR  
LESS AND HAS A LICENSE ISSUED BY THE FEDERAL ENERGY  
REGULATORY COMMISSION FOR THE HYDROPOWER SOURCE ON OR PRIOR  
TO JANUARY 1, 1984 AND WAS HELD IN WHOLE OR IN PART BY A  
MUNICIPALITY LOCATED WHOLLY WITHIN THIS COMMONWEALTH OR BY AN  
ELECTRIC COOPERATIVE WHOLLY WITHIN THIS COMMONWEALTH ON JULY  
1, 2007.

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

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

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

(ii) any solid nonhazardous, cellulosic waste  
material that is segregated from other waste materials,  
such as waste pallets, crates and landscape or right-of-  
way tree trimmings or agricultural sources, including  
orchard tree crops, vineyards, grain, legumes, sugar and

1           other crop by-products or residues.

2           (8) Biologically derived methane gas, which shall  
3       include methane from the anaerobic digestion of organic  
4       materials from yard waste, such as grass clippings and  
5       leaves, food waste, animal waste and sewage sludge. The term  
6       also includes landfill methane gas.

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

10          (10) Waste coal, which shall include the combustion of  
11       waste coal in facilities in which the waste coal was disposed  
12       or abandoned prior to July 31, 1982, or disposed of  
13       thereafter in a permitted coal refuse disposal site  
14       regardless of when disposed of, and used to generate  
15       electricity, or such other waste coal combustion meeting  
16       alternate eligibility requirements established by regulation.  
17       Facilities combusting waste coal shall use at a minimum a  
18       combined fluidized bed boiler and be outfitted with a  
19       limestone injection system and a fabric filter particulate  
20       removal system. Alternative energy credits shall be  
21       calculated based upon the proportion of waste coal utilized  
22       to produce electricity at the facility.

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

25          (12) Demand-side management consisting of the management  
26       of customer consumption of electricity or the demand for  
27       electricity through the implementation of:

28               (i) energy efficiency technologies, management  
29       practices or other strategies in residential, commercial,  
30       institutional or government customers that reduce

electricity consumption by those customers;

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

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

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

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Section 2. This act shall take effect immediately.