
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1522 Session of
2011

INTRODUCED BY EVERETT, BENNINGHOFF, CALTAGIRONE, COHEN,
DENLINGER, GABLER, GEIST, GINGRICH, GROVE, HESS, JOSEPHS,
MARSHALL, MCGEEHAN, MILLARD, MURT, MYERS, O'NEILL, PRESTON,
K. SMITH, SWANGER AND THOMAS, MAY 11, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MAY
11, 2011

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 of "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 * * *

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

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

5 (2) Solar thermal energy.

6 (3) Wind power.

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

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

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

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

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

23 (iv) protects against erosion; and

24 (v) protects cultural and historic resources.

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

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

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

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

15 (iii) provided that it is segregated from other
16 waste materials, waste utility poles and railroad ties
17 used by facilities in operation within this Commonwealth
18 as of the effective date of this subparagraph, so long as
19 the facility employs the best available technology to
20 reduce or control emissions of air pollutants under the
21 act of January 8, 1960 (1959 P.L.2119, No.787), known as
22 the Air Pollution Control Act.

23 (8) Biologically derived methane gas, which shall
24 include methane from the anaerobic digestion of organic
25 materials from yard waste, such as grass clippings and
26 leaves, food waste, animal waste and sewage sludge. The term
27 also includes landfill methane gas.

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

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

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

16 (12) Demand-side management consisting of the management
17 of customer consumption of electricity or the demand for
18 electricity through the implementation of:

19 (i) energy efficiency technologies, management
20 practices or other strategies in residential, commercial,
21 institutional or government customers that reduce
22 electricity consumption by those customers;

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

28 (iii) industrial by-product technologies consisting
29 of the use of a by-product from an industrial process,
30 including the reuse of energy from exhaust gases or other

1 manufacturing by-products that are used in the direct
2 production of electricity at the facility of a customer.

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

6 * * *

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