SENATE DOCKET, NO. 609 FILED ON: 1/15/2015

SENATE . . . . . No. 1759

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to waste-to-energy facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin B. Downing	*Berkshire, Hampshire, Franklin and Hampden*
Paul W. Mark	*2nd Berkshire*
Marjorie C. Decker	*25th Middlesex*
William Smitty Pignatelli	*4th Berkshire*
Tricia Farley-Bouvier	*3rd Berkshire*

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By Mr. Downing, a petition (accompanied by bill, Senate, No. 1759) of Benjamin B. Downing, Paul W. Mark, Marjorie C. Decker, William Smitty Pignatelli and others for legislation relative to waste-to-energy facilities. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to waste-to-energy facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 11F½ of chapter 25A of the General Laws, as amended by chapter 251 of the Acts of 2014, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The department shall establish an alternative energy portfolio standard for all retail electricity suppliers selling electricity to end-use customers in the commonwealth. Every retail electric supplier providing service under contracts executed or extended on or after January 1, 2009 shall provide a minimum percentage of kilowatt-hour sales, as determined by the department, to end-use customers in the commonwealth from alternative energy generating sources and the department shall annually thereafter determine the minimum percentage of kilowatt-hour sales to end-use customers in the commonwealth which shall be derived from alternative energy generating sources. For the purposes of this section, “alternative energy generating source” shall mean a source which generates energy using any of the following: (i)

13 combined heat and power; (ii) flywheel energy storage; (iii) energy efficient steam technology;
14 (iv) any facility that generates useful thermal energy using sunlight, biomass, biogas, liquid
15 biofuel, waste-to-energy which is a component of conventional municipal solid waste plant
16 technology in commercial use, or naturally occurring temperature differences in ground, air or
17 water, whereby 1 megawatt-hour of alternative energy credit shall be earned for every 3,412,000
18 British thermal units of net useful thermal energy produced and verified through an on-site utility
19 grade meter or other means satisfactory to the department; provided, however, that facilities
20 using biomass fuel shall be low emission, use efficient energy conversion technologies and fuel
21 that is produced by means of sustainable forestry practices; (v) any other alternative energy
22 technology approved by the department under an administrative proceeding conducted under
23 chapter 30A.

24 A waste-to-energy facility shall not be an alternative energy generating source under
25 clause (iv) unless it (1) operates or contracts for one or more recycling programs approved by the
26 department of environmental protection and; (2) 50% of any revenue received by the facility
27 through the sale of APS-eligible alternative energy certificates is allocated to such recycling
28 programs.

29 The following technologies and fuels shall not be considered alternative energy supplies:
30 (A) coal; (B) petroleum coke; (C) oil; (D) natural gas, except when used in combined heat and
31 power or as a biogas generating useful thermal energy; (E) construction and demolition debris
32 including, but not limited to, chemically-treated wood and (F) nuclear power.