

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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PRINCIPAL CLERK

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SENATE DRS65121-MH-105 (05/18)

Short Title: REPS/New Hanover Waste to Energy Facility. (Local)

Sponsors: Senator Goolsby (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT ENERGY PRODUCED BY A WASTE-TO-ENERGY  
3 FACILITY UTILIZING MUNICIPAL WASTE IS A RENEWABLE ENERGY  
4 RESOURCE FOR PURPOSES OF COMPLIANCE WITH THE RENEWABLE ENERGY  
5 AND ENERGY EFFICIENCY PORTFOLIO STANDARDS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 62.133.8(a) reads as rewritten:

8 "(a) Definitions. – As used in this section:

- 9 (1) "Combined heat and power system" means a system that uses waste heat to  
10 produce electricity or useful, measurable thermal or mechanical energy at a  
11 retail electric customer's facility.
- 12 (2) "Demand-side management" means activities, programs, or initiatives  
13 undertaken by an electric power supplier or its customers to shift the timing  
14 of electricity use from peak to nonpeak demand periods. "Demand-side  
15 management" includes, but is not limited to, load management, electric  
16 system equipment and operating controls, direct load control, and  
17 interruptible load.
- 18 (3) "Electric power supplier" means a public utility, an electric membership  
19 corporation, or a municipality that sells electric power to retail electric  
20 power customers in the State.
- 21 (3a) "Electricity demand reduction" means a measurable reduction in the  
22 electricity demand of a retail electric customer that is voluntary, under the  
23 real-time control of both the electric power supplier and the retail electric  
24 customer, and measured in real time, using two-way communications  
25 devices that communicate on the basis of standards.
- 26 (4) "Energy efficiency measure" means an equipment, physical, or program  
27 change implemented after January 1, 2007, that results in less energy used to  
28 perform the same function. "Energy efficiency measure" includes, but is not  
29 limited to, energy produced from a combined heat and power system that  
30 uses nonrenewable energy resources. "Energy efficiency measure" does not  
31 include demand-side management.
- 32 (5) "New renewable energy facility" means a renewable energy facility that  
33 either:  
34 a. Was placed into service on or after January 1, 2007.



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- 1                   b.       Delivers or has delivered electric power to an electric power supplier  
2                               pursuant to a contract with NC GreenPower Corporation that was  
3                               entered into prior to January 1, 2007.
- 4                   c.       Is a hydroelectric power facility with a generation capacity of 10  
5                               megawatts or less that delivers electric power to an electric power  
6                               supplier.
- 7                   (6)       "Renewable energy certificate" means a tradable instrument that is equal to  
8                               one megawatt hour of electricity or equivalent energy supplied by a  
9                               renewable energy facility, new renewable energy facility, or reduced by  
10                              implementation of an energy efficiency measure that is used to track and  
11                              verify compliance with the requirements of this section as determined by the  
12                              Commission. A "renewable energy certificate" does not include the related  
13                              emission reductions, including, but not limited to, reductions of sulfur  
14                              dioxide, oxides of nitrogen, mercury, or carbon dioxide.
- 15                  (7)       "Renewable energy facility" means a facility, other than a hydroelectric  
16                               power facility with a generation capacity of more than 10 megawatts, that  
17                               either:
- 18                            a.       Generates electric power by the use of a renewable energy resource.  
19                            b.       Generates useful, measurable combined heat and power derived from  
20                               a renewable energy resource.  
21                            c.       Is a solar thermal energy facility.
- 22                  (8)       "Renewable energy resource" means a solar electric, solar thermal, wind,  
23                               hydropower, geothermal, or ocean current or wave energy resource; a  
24                               biomass resource, including agricultural waste, animal waste, wood waste,  
25                               spent pulping liquors, combustible residues, combustible liquids,  
26                               combustible gases, energy crops, or landfill methane; waste heat derived  
27                               from a renewable energy resource and used to produce electricity or useful,  
28                               measurable thermal energy at a retail electric customer's facility; energy  
29                               produced by a waste-to-energy facility utilizing municipal waste; or  
30                               hydrogen derived from a renewable energy resource. "Renewable energy  
31                               resource" does not include peat, a fossil fuel, or nuclear energy resource."

32                   **SECTION 2.** This act applies only in New Hanover County.

33                   **SECTION 3.** This act is effective when it becomes law and applies to renewable  
34                   energy certificates created on or after that date.