

AN ACT
D.C. ACT 20-595

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2015

To amend the Renewable Energy Portfolio Standard Act of 2004 to eliminate the use of black liquor and the use of biomass from old and inefficient facilities as eligible renewable energy sources for Tier 1 credits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Renewable Energy Portfolio Standard Amendment Act of 2014".

Sec. 2. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 34-1431) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

"(1) "Black liquor" means the spent cooking liquor from the Kraft process of paper making."

(3) A new paragraph (6A) is added to read as follows:

"(6A) "Fuel input" means the higher heating value of the input fuel type, measured in BTU/LB, based on the standardized heating value of fuel type, multiplied by the annual fuel used in as delivered tons, multiplied by 2000."

(4) Paragraph (9) is amended as follows:

(A) The lead-in language is amended by striking the phrase "old growth timber" and inserting the phrase "old growth timber, construction and demolition-derived wood, whole trees not part of a closed-loop biomass system that are cleared solely for the purpose of energy production," in its place.

(B) Subparagraph (B) is repealed.

(5) Paragraph (15)(C) is amended to read as follows:

"(C) Qualifying biomass used at a generation unit that achieves a total system efficiency of at least 65% on an annual basis, can demonstrate that they achieved a total system efficiency of at least 65% on an annual basis through actual operational data after one year, and that started commercial operation after January 1, 2007."

(6) Paragraph (16) is amended as follows:

(A) Subparagraph (A) is amended by striking the word "or".

(B) Subparagraph (B) is amended by striking the period and inserting the phrase “; or” in its place.

(C) A new subparagraph (C) is added to read as follows:

“(C) Qualifying biomass used at a generation unit that:

“(i) Started commercial operation on or before December 31, 2006;

or

“(ii) Achieves a total system efficiency of less than 65%; or

“(iii) Uses black liquor.”.

(7) A new paragraph (17) is added to read as follows:

“(17) “Total system efficiency” means the sum of the net useful thermal energy output measured in BTUs divided by the total fuel input. For the purposes of this paragraph, the term “useful thermal energy output” means energy in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end use energy requirements and for which fuel or electricity would otherwise be consumed. The term “useful thermal energy output” does not include thermal energy used for the purpose of drying or refining biomass fuel.”.

(b) A new section 11a is added to read as follows:

“Sec. 11a. Applicability.

“(a) The definitions added to section 3 by the Renewable Energy Portfolio Standard Amendment Act of 2014, passed on 2nd reading on December 17, 2014 (Enrolled version of Bill 20-418) (“amendment act”), shall apply to District of Columbia Standard Offer Service wholesale supply contracts effective on or after June 1, 2015.

“(b) The definitions added by the amendment act shall apply after December 31, 2017, to renewable energy credits included in PJM’s Generator Attributes Tracking System that were or are generated by a facility that is certified by the commission as a Tier 1 energy source before the effective date of the amendment act and purchased by an electricity supplier pursuant to a contract executed before the effective date of the amendment act.”.

Sec. 3. Section 3(b) of the Distributed Generation Amendment Act of 2011, effective October 20, 2011 (D.C. Law 19-36; 58 DCR 6839), is amended to read as follows:

“(b) This act shall not apply to contracts entered into before August 1, 2011; provided, that, for a contract entered into before August 1, 2011, this act shall apply to an extension or renewal of that contract executed on or after August 1, 2011.”.

Sec. 4. Fiscal impact statement.

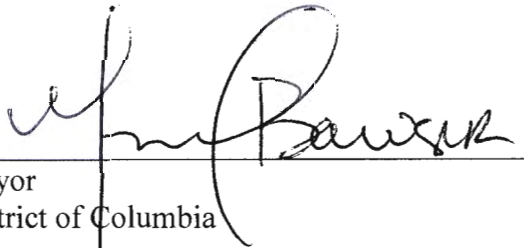
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
January 26, 2015



**COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004**

Docket No. **B20-418**

- ITEM ON CONSENT CALENDAR
- ACTION & DATE
- VOICE VOTE
- RECORDED VOTE ON REQUEST

ADOPTED FIRST READING, 12/2/2014

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Cheh	X				Orange	X			
Alexander	X				Evans	X				Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								
Catania	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

CERTIFICATION RECORD

Secretary to the Council

Date

11/9/2015

- ITEM ON CONSENT CALENDAR
- ACTION & DATE
- VOICE VOTE
- RECORDED VOTE ON REQUEST

ADOPTED FINAL READING, 12/17/2014

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Cheh	X				Orange	X			
Alexander	X				Evans	X				Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								
Catania	X				McDuffie	X								
X - Indicate Vote					AB - Absent					NV - Present, Not Voting				

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ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Cheh					Orange				
Alexander					Evans					Wells				
Bonds					Graham									
Bowser					Grosso									
Catania					McDuffie									
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CERTIFICATION RECORD

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Date