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S.P. 492

In Senate, April 21, 2015

**An Act To Assist Municipalities with the Recycling of Solid Waste
by Allowing Net Electrical Billing Credits**

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative CAMPBELL of Orrington and
Senators: BURNS of Washington, KATZ of Kennebec, ROSEN of Hancock.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 38 MRSA c. 24, sub-c. 9** is enacted to read:

3 **SUBCHAPTER 9**

4 **SOLID WASTE MANAGEMENT NET ELECTRICAL BILLING**

5 **§2241. Definitions**

6 As used in this subchapter, unless the context otherwise indicates, the following
7 terms have the following meanings.

8 **1. Electrical utility.** "Electrical utility" means a transmission and distribution utility
9 as defined in Title 35-A, section 102, subsection 20-B.

10 **2. Electricity supply billing.** "Electricity supply billing" means the portion of a
11 periodic electricity bill that charges for energy, ancillaries, the independent system
12 operator and other included costs. "Electricity supply billing" does not include any
13 portion of the transmission and distribution component of a customer's periodic electrical
14 bill.

15 **3. Governmental entity customer.** "Governmental entity customer" means a
16 municipality that enters into a contract under section 2242.

17 **4. Municipal solid waste.** "Municipal solid waste" means the solid waste collected
18 by a governmental entity customer that remains after the program of reuse, reduction,
19 recycling and composting certified under section 2422, subsection 2 and that is sent to a
20 participating waste-to-energy facility for processing and conversion into electricity.

21 **5. Net electrical billing credits.** "Net electrical billing credits" means the monetary
22 credits that must be applied by an electrical utility to the monthly electricity bill of a
23 governmental entity customer that has earned those credits by sending municipal solid
24 waste to a participating waste-to-energy facility for conversion into electricity pursuant to
25 a contract under section 2242, subsection 1.

26 **6. Participating waste-to-energy facility.** "Participating waste-to-energy facility"
27 means a solid waste disposal facility licensed by the department that converts municipal
28 solid waste to electricity through incineration, reduces the volume of the municipal solid
29 waste it processes by at least 80% and the weight by at least 65% and is not a party to a
30 power purchase agreement entered into pursuant to the Public Utility Regulatory Policies
31 Act of 1978, United States Code, Title 16, Section 2601, et seq.

32 **§2242. Solid waste management net electrical billing program**

33 **1. Contracts.** A participating waste-to-energy facility may develop, offer and enter
34 into a contract to convert a governmental entity customer's municipal solid waste to
35 electricity and to provide net electrical billing credits to a governmental entity customer
36 based upon the number of metered kilowatt-hours produced by such conversion. A

1 contract authorized under this subsection must be certified by the department as
2 complying with the provisions of this subchapter.

3 **2. Governmental entity customer certification.** A governmental entity customer
4 that enters into a contract pursuant to subsection 1 shall provide an annual written
5 certification to the department that it operates a program that provides for the reuse,
6 reduction, recycling and composting of at least 30% of the solid waste it collects before it
7 sends that municipal solid waste to a participating waste-to-energy facility for processing
8 and conversion into electricity.

9 **3. Metering.** A contract entered into pursuant to subsection 1 must require the
10 collection of electricity production and consumption information through the use of 2
11 types of metering:

12 A. Metering by generation meters registering the flow of electricity produced
13 through the incineration of municipal solid waste at a participating waste-to-energy
14 facility; and

15 B. Metering by consumption meters registering the consumption of electricity by a
16 governmental entity customer.

17 **4. Annual electrical crediting calculation.** A participating waste-to-energy facility
18 shall annually report to the department and the Public Utilities Commission its calculation
19 of its municipal solid waste to electricity conversion factor, which is the average number
20 of kilowatt-hours of electricity generated from the processing of one ton of municipal
21 solid waste, determined by dividing the total electrical power generated by the facility in
22 processing municipal solid waste, according to generation metering under subsection 3,
23 by the total number of tons of municipal solid waste processed during the prior year. The
24 participating waste-to-energy facility shall certify the calculation under this subsection
25 and provide the calculation to the department and the Public Utilities Commission on or
26 before a date determined by the department.

27 **5. Annual electrical crediting rate.** Based on the calculations provided to the
28 department and the Public Utilities Commission pursuant to subsection 4, the department,
29 in cooperation with the Public Utilities Commission, shall set the annual rate at which net
30 electrical billing credits must be determined by each participating waste-to-energy facility
31 for the next year.

32 **6. Reporting of net electrical billing credits.** Each month a participating waste-to-
33 energy facility shall provide to an electrical utility that provides electric service to a
34 governmental entity customer a report identifying the number of net electrical billing
35 credits earned during the preceding billing cycle by each governmental entity customer
36 that receives electric service from that electrical utility. A participating waste-to-energy
37 facility shall provide to each governmental entity customer a report identifying the
38 number of net electrical billing credits earned by that customer. An electrical utility shall
39 enter into a contract with a participating waste-to-energy facility and each governmental
40 entity customer for the transfer of electrical energy to those utilities. A contract under
41 this subsection must be certified by the department, in consultation with the Public
42 Utilities Commission, as complying with the provisions of this subchapter.

