## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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## **SENATE BILL 886**

## Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09 House Committee Substitute Favorable 6/29/10 House Committee Substitute #2 Favorable 7/7/10

Short Title: Cl	leanfields Act of 2010.	(Public)
Sponsors:		
Referred to:		
March 26, 2009		
A BILL TO BE ENTITLED		
AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CLEANFIELDS RENEWABLE		
ENERGY DEMONSTRATION PARKS IN THE STATE.		
The General Assembly of North Carolina enacts:		
<b>SECTION 1.</b> Legislative findings. – The General Assembly makes the following		
findings regarding the need for cleanfields renewable energy demonstration parks:		
(1)	Economic development in the State will be se	<u> -</u>
	opportunity to convert former manufacturing sites in	to cleanfields renewable
	energy demonstration parks, thereby providing em	ployment opportunities
	for the residents of North Carolina.	
(2)	The health and safety of the citizens of North C	
	through the assessment and remediation of envir	onmental conditions at
	former manufacturing facilities.	
(3)	The public interest of the State will be served by di	•
	used to reliably meet the energy needs of consumers	
	greater energy security through the use of indige	
	available within the State, and encouraging private i	investment in renewable
(4)	energy and energy efficiency.	
(4)	The public interest of the State will be served	
	operators of manufacturing facilities to transfer	
(5)	making it possible for new operators to restart produc	
(5)	The State and the public will directly benefit from utilized in a cleanfields renewable energy demonstrates.	11
	pressing societal and environmental issues facing the	
(6)	The public interest of the State will be served by the	
(0)	cleanfields renewable energy demonstration park	
	projects and for its ability to provide information on the	
	associated with the development of renewable energy	
SECT	<b>FION 2.</b> Criteria for designation. – A parcel or	
combination of contiguous parcels or tracts of land, that meet all of the following criteria may		
be designated as a cleanfields renewable energy demonstration park:		
(1)	The park consists of at least 250 acres of contiguous	property.
(2)	All of the real property comprising the park is contig	
(3)	The property within the park is or may be subject to	o remediation under the
	Comprehensive Environmental Response, Compens	



- of 1980, as amended (42 U.S.C. § 9601, et seq.), except for a site listed on the National Priorities List pursuant to 42 U.S.C. § 9605.
  - (4) The park contains a manufacturing facility that is idle, underutilized, or curtailed and that at one time employed at least 250 people.
  - (5) The owners of the park plan to attract at least 250 new jobs to the site.
  - (6) The owners of the park have entered into a brownfields agreement with the Department of Environment and Natural Resources pursuant to G.S. 130A-310.32 and have provided satisfactory financial assurance for the brownfields agreement.
  - (7) The creation of the park is for the purpose of featuring clean-energy facilities, laboratories, and companies, thereby spurring economic growth by attracting renewable energy and alternative fuel industries.
  - (8) The development plan for the park must include at least three renewable energy or alternative fuel facilities.
  - (9) The development plan for the park must include a biomass renewable energy facility that utilizes refuse derived fuel, including yard waste, wood waste, and waste generated from construction and demolition, but not including wood directly derived from whole trees, as the primary source for generating energy. The refuse derived fuel shall undergo an enhanced recycling process before being utilized by the biomass renewable energy facility.
  - (10) The owners of the park certify that the initial biomass renewable energy facility will not be a major source, as that term is defined in 40 C.F.R. § 70.2 (July 1, 2009 edition), for air quality purposes. The biomass renewable energy facility will remain in compliance with all applicable State and federal emissions requirements throughout its operating life.

SECTION 3. Certification. – The owner of a parcel or tract of land that seeks to establish a cleanfields renewable energy demonstration park shall submit to the Secretary of State an application for designation. The Secretary shall examine the application and may request any additional information from the owner of the parcel or tract of land or the Department of Environment and Natural Resources needed to verify that the project meets all of the criteria for designation. The Secretary may rely on certifications provided by the owner or the Department of Environment and Natural Resources that the criteria are met. If the Secretary determines that the project meets all of the criteria, the Secretary shall make and issue a certificate designating the parcel or tract of land as a cleanfields renewable energy demonstration park to the owner and shall file and record the application and certificate in an appropriate book of record. The parcel or tract of land shall be designated as a cleanfields renewable energy demonstration park on the date the certificate is filed and recorded.

**SECTION 4.** Renewable energy generation. – The definitions in G.S. 62-133.8 apply to this act. If the Utilities Commission determines that a biomass renewable energy facility located in the cleanfields renewable energy demonstration park is a new renewable energy facility, any electric power or renewable energy certificates generated from renewable energy resources at the biomass renewable energy facility shall be eligible for use to meet the requirements of G.S. 62-133.8(f). In addition, if the Utilities Commission determines that a biomass renewable energy facility located in the cleanfields renewable energy demonstration park is a new renewable energy facility, the Commission shall assign triple credit to any electric power or renewable energy certificates generated from renewable energy resources at the biomass renewable energy facility that are purchased by an electric power supplier for the purposes of compliance with G.S. 62-133.8. The credits shall first be used to satisfy the requirements of G.S. 62-133.8(f). Only when the requirements of G.S. 62-133.8(f) are met, shall any remaining credits be utilized to comply with G.S. 62-133.8(b) and (c). The triple credit shall apply only to the first 20 megawatts of biomass renewable energy facility

- 1 generation capacity located in all cleanfields renewable energy demonstration parks in the 2 3 State.
  - **SECTION 5.** Effective date. This act is effective when it becomes law.