

(3)] waste-to-energy.

7-704.

(a) (2) (i) 1. Except as provided in subsubparagraph 2 of this subparagraph, energy from a Tier 1 renewable source under § 7-701(l)(1) OR (9) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard only if the source is connected with the electric distribution grid serving Maryland.

~~(a)~~ (4) [(i)] Energy from a Tier 2 renewable source under § 7-701(m)(1) or [(3)] (2) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard through 2018 if it is generated at a system or facility that existed and was operational as of January 1, 2004, even if the facility or system was not capable of generating electricity on that date.

[(ii)] Energy from a Tier 2 renewable source under § 7-701(m)(2) of this subtitle is eligible for inclusion in meeting the renewable energy portfolio standard, regardless of when the generating system was placed in service, if the Maryland Energy Administration and the Maryland Department of Agriculture determine that there is a sufficient quantity of poultry litter available for the economic viability of any existing and operating entity that is sited on the Delmarva Peninsula and that, as of July 1, 2004, processed and pasteurized chicken litter as fertilizer.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 24, 2008.

CHAPTER 136

(House Bill 1166)

AN ACT concerning

Renewable Energy Portfolio Standard – Tier 1 Renewable Source – Poultry Litter

FOR the purpose of expanding the definition of a Tier 1 renewable source to include poultry litter-to-energy; altering the definition of a Tier 2 renewable source to exclude the incineration of poultry litter; providing that poultry litter-to-energy is eligible for inclusion in meeting the Tier 1 renewable energy portfolio standard