

(7) a fuel cell that produces electricity from a Tier 1 renewable source under item (3) or (4) of this subsection; [and]

(8) a small hydroelectric power plant of less than 30 megawatts in capacity that is licensed or exempt from licensing by the Federal Energy Regulatory Commission; AND

(9) POULTRY LITTER-TO-ENERGY.

(m) "Tier 2 renewable source" means one or more of the following types of energy sources:

(1) hydroelectric power other than pump storage generation; AND

(2) [incineration of poultry litter; and

(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.