

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
Fifth Edition Engrossed 7/8/10

Short Title: Cleanfields Act of 2010.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CLEANFIELDS RENEWABLE
3 ENERGY DEMONSTRATION PARKS IN THE STATE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Legislative findings. – The General Assembly makes the following
6 findings regarding the need for cleanfields renewable energy demonstration parks:

- 7 (1) Economic development in the State will be served by providing an
8 opportunity to convert former manufacturing sites into cleanfields renewable
9 energy demonstration parks, thereby providing employment opportunities
10 for the residents of North Carolina.
11 (2) The health and safety of the citizens of North Carolina will be served
12 through the assessment and remediation of environmental conditions at
13 former manufacturing facilities.
14 (3) The public interest of the State will be served by diversifying the resources
15 used to reliably meet the energy needs of consumers in the State, providing
16 greater energy security through the use of indigenous energy resources
17 available within the State, and encouraging private investment in renewable
18 energy and energy efficiency.
19 (4) The public interest of the State will be served by encouraging former
20 operators of manufacturing facilities to transfer ownership in property,
21 making it possible for new operators to restart production at such facilities.
22 (5) The State and the public will directly benefit from the innovative approach
23 utilized in a cleanfields renewable energy demonstration park to resolving
24 pressing societal and environmental issues facing the State and its citizens.
25 (6) The public interest of the State will be served by the innovative nature of a
26 cleanfields renewable energy demonstration park as a model for future
27 projects and for its ability to provide information on the risks and complexity
28 associated with the development of renewable energy projects.

29 **SECTION 2.** Criteria for designation. – A parcel or tract of land, or any
30 combination of contiguous parcels or tracts of land, that meet all of the following criteria may
31 be designated as a cleanfields renewable energy demonstration park:

- 32 (1) The park consists of at least 250 acres of contiguous property.
33 (2) All of the real property comprising the park is contiguous to a body of water.



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

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

40 **SECTION 4.** Renewable energy generation. – The definitions in G.S. 62-133.8
41 apply to this act. If the Utilities Commission determines that a biomass renewable energy
42 facility located in the cleanfields renewable energy demonstration park is a new renewable
43 energy facility, the Commission shall assign triple credit to any electric power or renewable
44 energy certificates generated from renewable energy resources at the biomass renewable energy
45 facility that are purchased by an electric power supplier for the purposes of compliance with
46 G.S. 62-133.8. The additional credits shall be eligible for use to meet the requirements of
47 G.S. 62-133.8(f). The additional credits shall first be used to satisfy the requirements of
48 G.S. 62-133.8(f). Only when the requirements of G.S. 62-133.8(f) are met, shall the additional
49 credits be utilized to comply with G.S. 62-133.8(b) and (c). The triple credit shall apply only to
50 the first 20 megawatts of biomass renewable energy facility generation capacity located in all
51 cleanfields renewable energy demonstration parks in the State.

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SECTION 5. Effective date. – This act is effective when it becomes law.