

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-195
SENATE BILL 886**

**AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CLEANFIELDS RENEWABLE
ENERGY DEMONSTRATION PARKS IN THE STATE.**

The General Assembly of North Carolina enacts:

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

SECTION 2. Criteria for designation. – A parcel or tract of land, or any 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 contiguous to a body of water.
- (3) The property within the park is or may be subject to remediation under the Comprehensive Environmental Response, Compensation, and Liability Act 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 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, 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 additional credits shall be eligible for use to meet the requirements of G.S. 62-133.8(f). The additional 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 the additional 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 generation capacity located in all cleanfields renewable energy demonstration parks in the State.

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

In the General Assembly read three times and ratified this the 9th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 4:15 p.m. this 5th day of August, 2010