

Amendment to SB 577

Amend the title of the bill by replacing it with the following:

AN ACT requiring the public utilities commission to consider its order affecting the Burgess BioPower plant in Berlin, prohibiting the import of certain liquid fuels, and relative to the production of useful thermal energy.

Amend the bill by replacing all after the enacting clause with the following:

1 Findings. The general court finds that the continued operation of the Burgess BioPower plant in Berlin is important to the economy of the north country and the city of Berlin, as well as the forest products industry, and important for the attainment of renewable energy portfolio standard goals and the environment, and is therefore in the public interest.

2 Public Utilities Commission; Proceedings. Within 30 days after the effective date of this act, the public utilities commission shall initiate a proceeding in order to consider how it is in the public interest to revise its Order 25,213 (Docket DE 10-195). The commission shall consider whether it is in the public interest to increase the amount of the cap on the level of the cumulative reduction factor, or to make other adjustments or revisions to the order, so that the Burgess BioPower plant can continue to operate. When considering the best way to meet the public interest the commission shall consider the impact the potential closing of, or the reduced capacity at, Burgess BioPower could have upon jobs at the plant and in the forest products industry, property tax and other impacts on the city of Berlin, renewable energy resources in New Hampshire, the impact on Eversource ratepayers, and other such factors the commission deems appropriate.

3 Sulphur Limits; Import Prohibited. Amend RSA 125-C:10-d to read as follows:

125-C:10-d Sulfur Limits of Certain Liquid Fuels.

I. No person shall import into the state any of the following liquid fuels:

(a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015 percent by weight;

(b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

(c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5 percent by weight.

II. Beginning on February 1, 2019 and continuing thereafter, no person shall sell, offer for sale, supply, distribute for sale or use, except for fuel remaining in storage for a device not requiring a permit pursuant to RSA 125-C:11, any of the following liquid fuels:

Amendment to SB 577
- Page 2 -

1 (a) No. 2 oil, also referred to as distillate oil, with a sulfur content greater than 0.0015
2 percent by weight;

3 (b) No. 4 oil with a sulfur content greater than 0.25 percent by weight; or

4 (c) Nos. 5 or 6 oil, also referred to as residual oil, with a sulfur content greater than 0.5
5 percent by weight.

6 [H] **III.** The commissioner may temporarily allow the use of non-conforming fuels with
7 respect to paragraph [I] **II** if there is a demonstrated need to do so based on an acute shortage of
8 supply.

9 4 Electric Renewable Energy Classes; Useful Thermal Energy. Amend the introductory
10 paragraph of RSA 362-F:4, I to read as follows:

11 I. Class I (New) shall include the production of electricity [~~or useful thermal energy~~] from
12 any of the following, provided the source began operation after January 1, 2006, except as noted
13 below, ***or the production of useful thermal energy as noted below:***

14 5 Electric Renewable Energy Classes; Useful Thermal Energy. Amend RSA 362-F:4, I(e) to
15 read as follows:

16 (e) Methane gas ***if the methane gas energy output is in the form of useful thermal***
17 ***energy provided that the unit began operation after January 1, 2013.***

18 6 Effective Date.

19 I. Section 3 of this act shall take effect 12:01 a.m. July 1, 2018.

20 II. Sections 4 and 5 of this act shall take effect 60 days after its passage.

21 III. The remainder of this act shall take effect upon its passage.

Amendment to SB 577
- Page 3 -

2018-0721s

AMENDED ANALYSIS

This bill:

- I. Requires the public utilities commission to initiate a proceeding to consider changes to its order affecting the Burgess BioPower plant in Berlin.
- II. Prohibits the import of certain liquid fuels and prohibits the sale of such fuels in 2019.
- III. Changes the inclusion in electric renewable energy class I for methane gas.