

A BILL

21-650

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Renewable Energy Portfolio Standard Act of 2004 to allow waste heat from the sewage system or wastewater treatment plant effluent to qualify as a tier one renewable source, to raise the renewable portfolio standard for tier one renewable sources to 50% by 2032 and the solar requirement to 5% by 2032, to authorize the Public Service Commission to adjust the solar requirement to the extent necessary to account for solar energy generation from solar energy systems no larger than 15MW in capacity located within the District or in locations served by a distribution feeder serving the District for which renewable energy credits are not available for use by electricity suppliers in meeting the solar requirement, to change the alternative compliance payment for the solar requirement through 2032, to expand the uses of the Renewable Energy Development Fund; and to amend the Clean and Affordable Energy Act of 2008 to increase the Sustainable Energy Trust Fund fee and to establish a Solar for All Program within the Department of Energy and Environment for the purpose of increasing the access of seniors, small local businesses, non-profits, and low-income households to the benefits of solar power.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Renewable Portfolio Standard Expansion Amendment Act of 2016”.

Sec. 2. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3(15) (D.C. Official Code § 34-1431(15)) is amended as follows:

(1) Subparagraph (F) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Subparagraph (G) is amended by striking the period and inserting the phrase “; and” in its place.

35 (3) A new subparagraph (H) is added to read as follows:

36 “(H) Waste heat recovered from the combined or separated sanitary
37 sewage system or wastewater treatment plant effluent.”.

38 (b) Section 4 (D.C. Official Code § 34-1432) is amended as follows:

39 (1) Subsection (c) is amended as follows:

40 (A) Paragraph (12) is amended by striking the phrase “; and” and inserting
41 a semicolon in its place.

42 (B) Paragraph (13) is amended as follows:

43 (i) Strike the phrase “In 2023 and thereafter” and insert the phrase
44 “In 2023” in its place.

45 (ii) Strike the period and insert a semicolon in its place.

46 (C) New paragraphs (14), (15), (16), (17), (18), (19), (20), (21), and (22)
47 are added to read as follows:

48 “(14) In 2024, not less than 23% from tier one renewable sources, 0% from tier
49 two renewable sources, and not less than 2.6% from solar energy;

50 “(15) In 2025, not less than 26% from tier one renewable sources, 0% from tier
51 two renewable sources, and not less than 2.85% from solar energy;

52 “(16) In 2026, not less than 29% from tier one renewable sources, 0% from tier
53 two renewable sources, and not less than 3.15% from solar energy;

54 “(17) In 2027, not less than 32% from tier one renewable sources, 0% from tier
55 two renewable sources, and not less than 3.45% from solar energy;

56 “(18) In 2028, not less than 35% from tier one renewable sources, 0% from tier
57 two renewable sources, and not less than 3.75% from solar energy;

58 “(19) In 2029, not less than 38% from tier one renewable sources, 0% from tier
59 two renewable sources, and not less than 4.1% from solar energy;

60 “(20) In 2030, not less than 42% from tier one renewable sources, 0% from tier
61 two renewable sources, and not less than 4.5% from solar energy;

62 “(21) In 2031, not less than 46% from tier one renewable sources, 0% from tier
63 two renewable sources, and not less than 4.75% from solar energy; and

64 “(22) In 2032 and thereafter, not less than 50% from tier one renewable sources,
65 0% from tier two renewable sources, and not less than 5.0% from solar energy.”.

66 (2) Subsection (e)(1) is amended by striking the phrase “larger than 5MW” both
67 times it appears and inserting the phrase “larger than 15MW” in its place.

68 (3) A new subsection (f) is added to read as follows:

69 “(f) Notwithstanding subsection (c) of this section, the Commission may adjust the solar
70 requirement to the extent necessary to account for solar energy generation from solar energy
71 systems no larger than 15MW in capacity located within the District or in locations served by a
72 distribution feeder serving the District, for which renewable energy credits are not available for
73 use by electricity suppliers in meeting the solar requirement.”.

74 (c) Section 6(c)(3) (D.C. Official Code § 34-1434(c)(3)) is amended to read as follows:

75 “(3) Fifty cents in 2016 through 2023, 40 cents in 2024 through 2028, 30 cents in
76 2029 through 2032, and 5 cents in 2033 and thereafter for each kilowatt-hour of shortfall from
77 required solar energy sources.”.

78 (d) Section 8(c) (D.C. Official Code § 34-1436(c)) is amended to read as follows:

79 “(c)(1) The Fund shall be used for the purpose of:

80 “(A) Supporting the creation of new solar energy sources in the District of
81 Columbia, including activities that support the use of solar energy sources, such as electrical
82 upgrades, structural improvements, and electrical or thermal storage systems,;

83 “(B) Funding the Solar for All Program established by section 216 of the
84 Clean and Affordable Energy Act of 2008, as approved by the Committee on Transportation and
85 the Environment on June 1, 2016 (Committee print of Bill 21-650);

86 “(C) Otherwise administering the Fund; and

87 “(D) Covering any costs to the District of Columbia associated with
88 implementing the Renewable Portfolio Standard Expansion Amendment Act of 2016, as
89 approved by the Committee on Transportation and the Environment on June 1, 2016 (Committee
90 print of Bill 21-650).

91 “(2) The Fund may be used to supplement programs supporting the creation of
92 new solar energy sources in the District of Columbia through the Sustainable Energy Utility
93 contract established by Title II of the Clean and Affordable Energy Act of 2008, effective
94 October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*)”.

95 Sec. 3. Title II of the Clean and Affordable Energy Act of 2008, effective October 22
96 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*), is amended as follows:

97 (a) Section 210(b) (D.C. Official Code § 8-1774.10(b)) is amended as follows:

98 (1) Paragraph (1) is amended as follows:

99 (A) Subparagraph (C) is amended by striking the phrase “in fiscal year
100 2011 and each year thereafter.” and inserting the phrase “in fiscal year 2011 through fiscal year
101 2016;” in its place.

102 (B) A new subparagraph (D) is added to read as follows:

103 “(D) The amount of \$.01505 in fiscal year 2017 and each year thereafter.”.

104 (2) Paragraph 2 is amended as follows:

105 (A) Subparagraph (C) is amended by striking the phrase “in fiscal year
106 2011 and each year thereafter.” and inserting the phrase “in fiscal year 2011 through fiscal year
107 2016;” in its place.

108 (B) A new subparagraph (D) is added to read as follows:

109 “(D) The amount of \$.001612 in fiscal year 2017 and each year
110 thereafter.”.

111 (b) A new section 216 is added to read as follows:

112 “Sec. 216. Solar for All Program plan.

113 “(a) There is established the Solar for All Program (“Program”) to increase the access of
114 seniors, small local businesses, non-profits, and low-income households in the District to the
115 benefits of solar power. The Program shall reduce by at least 50% the electric bills of at least

116 100,000 of the District’s low-income households with high energy burdens by December 31,
117 2032.

118 “(b) The Program shall be administered by DOEE and operate until the end of fiscal year
119 2032. In administering the Program, DOEE shall coordinate with the Sustainable Energy Utility.

120 “(c) From fiscal year 2017 through fiscal year 2032, the Program shall be funded
121 annually from the Renewable Energy Development Fund established by section 8 of the
122 Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340;
123 D.C. Official Code § 34-1436).

124 “(d) The funding allocated in subsection (c) may be used to supplement programs
125 supporting the creation of new solar energy sources in the District through the Sustainable
126 Energy Utility contract established by section 201.

127 “(e)(1) By February 1, 2017, DOEE shall develop, publish on its website, and submit to
128 the Council a plan to implement the Program. The plan shall include:

129 “(A) A description of programs to be implemented by DOEE targeting
130 seniors, small local businesses, non-profits, and low-income households in the District;

131 “(B) An estimated timeline for implementation of the programs described
132 in paragraph (1) of this subsection; and

133 “(C) Annual benchmarks for reducing by at least 50% the electric bills of
134 at least 100,000 of the District’s low-income households with high energy burdens by December
135 31, 2032.

136 (2) If DOEE revises or updates the plan, DOEE shall publish on its website the
137 update within 30 days of completion.

138 “(f) Beginning December 1, 2017, DOEE shall publish on its website and submit to the
139 Council an annual report on the expenditure of the funds allocated to the Program, the amount of
140 progress toward achieving the benchmarks established in subsection (e)(3) of this section, and
141 the number of solar systems installed pursuant to this section in the previous fiscal year.

142 “(g) For purposes of this section, the term:

143 “(1) “Area median income” means:

144 “(A) For a household of 4 persons, the area median income for a
145 household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the
146 periodic calculation provided by the United States Department of Housing and Urban
147 Development;

148 “(B) For a household of 3 persons, 90% of the area median income for a
149 household of 4 persons, as described in subparagraph (A) of this paragraph;

150 “(C) For a household of 2 persons, 80% of the area median income for a
151 household of 4 persons, as described in subparagraph (A) of this paragraph;

152 “(D) For a household of one person, 70% of the area median income for a
153 household of 4 persons, as described in subparagraph (A) of this paragraph; and

154 “(E) For a household of more than 4 persons, the area median income for a
155 household of 4 persons, as described in subparagraph (A) of this paragraph, increased by 10%
156 for each person in the household in excess of 4 persons (for example, the area median income for

157 a household of 5 persons shall be 110% of the area median income for a household of 4 persons,
158 as described in subparagraph (A) of this paragraph, and the area median income for a household
159 of 6 persons shall be 120% of the area median income for a household of 4 persons, as described
160 in subparagraph (A) of this paragraph).

161 “(2) “Energy burden” means the percentage of household income spent on home
162 energy bills.

163 “(3) “Low-income” means a household income equal to, or less than, 80% of the
164 area median income.

165 “(4) “Solar system” means a solar photovoltaic or solar thermal system.”.

166 Sec. 4. Applicability.

167 For 5 years after the effective date of this act, section 2(c) shall not apply to any contract
168 entered into before the effective date of this act; provided, that section 2(c) shall apply to an
169 extension or renewal of such a contract.

170 Sec. 5. Fiscal impact statement.

171 The Council adopts the fiscal impact statement in the committee report as the fiscal
172 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
173 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

174 Sec. 6. Effective date.

175 This act shall take effect following approval by the Mayor (or in the event of veto by the
176 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
177 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENGROSSED ORIGINAL

178 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
179 Columbia Register.