

2009 DRAFTING REQUEST**Senate Amendment (SA-SB273)**Received: **04/14/2010**Received By: **mkunkel**Wanted: **As time permits**

Companion to LRB:

For: **Russell Decker (608) 266-2502**By/Representing: **Pat Walsh**

May Contact:

Drafter: **mkunkel**Subject: **Public Util. - energy**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**Requester's email: **Sen.Decker@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Defining renewable resource to include synthetic gas and densified fuel pellets

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 04/14/2010	jdyer 04/14/2010		_____			
/1	mkunkel 04/15/2010	jdyer 04/15/2010	rschluet 04/14/2010	_____	lparisi 04/14/2010	lparisi 04/14/2010	
/2			rschluet 04/15/2010	_____	cduerst 04/15/2010	cduerst 04/15/2010	
/3	mkunkel 04/15/2010	csicilia 04/15/2010	phenry 04/15/2010	_____	cduerst 04/15/2010	cduerst 04/15/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

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/2			rschluet 04/15/2010	_____	cduerst 04/15/2010	cduerst 04/15/2010	

1/3 gjs 4/15/10

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/1		1/2 4/15 jld	rschlue 04/14/2010	_____	lparisi 04/14/2010	lparisi 04/14/2010	

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/?

mkunkel

1 4/14 jld

8/14/10

<END> 4/14

FE Sent For:

Kunkel, Mark

From: Walsh, Patrick H.
Sent: Friday, April 09, 2010 12:22 PM
To: Kunkel, Mark
Subject: RE: Your voicemail re: renewable energy

Mark, could you give a call about the SB 273 amendment when you have a chance.

Patrick Walsh
Office of Senator Russ Decker
608-266-2502
Patrick.Walsh@legis.wisconsin.gov

*2 amendments to
SB 273
SB 450*

From: Kunkel, Mark
Sent: Thursday, April 01, 2010 4:42 PM
To: Walsh, Patrick H.
Subject: RE: Your voicemail re: renewable energy

Patrick:

I have a couple questions.

1. a. Are the 2 things below used to produce electricity? If so, I can add them into the types of electricity-producing resources that qualify for renewable resource credits or renewable energy under SB 450. I'm asking because SB 450 also allows for the creation of certificates based on the production of nonelectric energy. The certificates are similar, but not identical, to renewable resource credits. For example, the thermal output of a solar water heating system, or useable light delivered by a solar light pipe. Those 2 examples don't produce electricity, but produce nonelectric energy instead. SB 450 allows certificates to be created based on the nonelectric energy they produce. So I need to know if the 2 things below produce electric or nonelectric energy.

b. SB 273 takes a different approach. Unlike SB 450, SB 273 makes nonelectric energy eligible for renewable resource certificates. However, I still need to know what the 2 things below produce in order to amend SB 273.

2. What is "fixed carbon"?

-- Mark

From: Walsh, Patrick H.
Sent: Thursday, April 01, 2010 11:40 AM
To: Kunkel, Mark
Subject: RE: Your voicemail re: renewable energy

Mark here is that language we'd like you to have on hand for inclusion in SB 450 or perhaps as an amendment to SB 273. You may already have it for inclusion in SB 450. I wanted to get you the language in case SB 450 doesn't move but SB 273 does.

The definitions for both need to be added to the statutory list of renewables. I believe it's in 196.374(1)(j). Not sure if it needs to be added elsewhere in statute to be treated as renewable.

Add the sentence below to the list of qualifying RPS technologies in statute:

"A facility producing synthetic gas created by the plasma gasification of waste."

Add the sentence below to the list of qualifying RPS technologies in statute:

"Densified fuel pellets made from waste material, that does not include garbage as defined in s. 289.01(9), and that contains no more than 30% fixed carbon."

Patrick Walsh
Office of Senator Russ Decker
608-266-2502
Patrick.Walsh@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Wednesday, March 31, 2010 6:31 PM
To: Walsh, Patrick H.
Subject: Your voicemail re: renewable energy

Pat,
Yes, I would be the drafter for the amendments to the Clean Energy Jobs Act that you want. Give me a call tomorrow or send me an email describing what you want.

-- Mark

plasma gasified -
waste to energy

Synthetic gas
- for sale
- to produce power

renewable

Pellets
non-wood
- used in plants & power
- used by utilities
- cogeneration
- coal substitute

also used to
produce
electricity

Brian Brooks
444-4727
Cobbist

Kunkel, Mark

From: Bryan Brooks [brooksconsulting@me.com]

Sent: Monday, April 12, 2010 10:49 AM

To: Kunkel, Mark

What is "fixed carbon"? **The official definition of fixed carbon is that it is what is left in a fuel after you remove water, ash, and volatiles (compounds that turn to gas at a relatively low temperature). You determine the percentage of these components in a fuel by performing a "proximate analysis" -- which is the most common analysis performed on coal and other fuels. Coal is around 70% fixed carbon, while biomasses are usually less than 20% and all under 30%.**

Bryan

Bryan Brooks
Brooks Consulting LLC

Office:
10 East Doty Street, Suite 800
Madison, WI 53703

Mobile phone: 608-444-4727
Office phone: 608-204-5845

04/12/2010



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa2173/1
MDK/jlp

O-note

Keep a 2186/1

Today
6h
3PM

SENATE AMENDMENT,
TO 2009 SENATE BILL 450

RM NOT
RUN

SA to SB 273

Page 1, line 3: before "and" insert
NO # inclusion of certain resources that
generate electric power from synthetic gas
or fuel pellets in the renewable portfolio
standards ✓

At the locations indicated, amend the bill as follows:

1. Page 75, line 22: delete the material beginning with that line and ending with page 76, line 2, and substitute:

"196.374 (1) (j) (intro.) "Renewable resource" means a resource that derives energy from any source other than coal, petroleum products, nuclear power, or, except as used in a fuel cell, natural gas. "Renewable resource" includes resources deriving, or nonbiological industrial, nonbiological commercial, or nonbiological household waste; or a resource that derives energy from any of the following:"

2. Page 78, line 1: before that line insert:

"SECTION 196.374 (1) (j) 78 of the statutes are created to read:

196.374 (1) (j) 78 Synthetic gas created by the plasma gasification of waste.

196.378 (1) (h) 1. h.

Fix component

1g

196.378 (1) (h) 1. h. and 2.

g
① i.

1
2
3
4
Densified fuel pellets made from waste material that does not include
garbage, as defined in s. 289.01(9), and that contains no more than 30 percent fixed
carbon.”.

CS SECTION B
(END)

↙

#. Page 2, line 1: delete "1 g" and
NO # substitute "1 r" and
[scribbles]

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2173/ldn
MDK

stays

new date { ~~April 14, 2010~~

a 2186/ldn

Sen. Decker:

This amendment uses the terms "fixed carbon" and "plasma gasification." I did not create definitions for those terms, as they appear to have commonly understood scientific meanings. If necessary, the PSC can promulgate rules to interpret their meanings under s. 227.11 (2) (a), which allows a state agency to promulgate rules interpreting statutory provisions that it administers. If you want to limit the PSC's authority over the meaning of the terms, you could create definition for the terms. Let me know if you want to add definitions.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

⑨ Also, please note that the Clean Energy Jobs Act may negate the ^{changes} made by this amendment. ^{proposed} Therefore, you should monitor the changes made by that ^{proposed} act to ensure that it is amended in a way that accomplishes your intent.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2186/1dn
MDK:jld:rs

April 14, 2010

Sen. Decker:

This amendment uses the terms “fixed carbon” and “plasma gasification.” I did not create definitions for those terms, as they appear to have commonly understood scientific meanings. If necessary, the PSC can promulgate rules to interpret their meanings under s. 227.11 (2) (a), which allows a state agency to promulgate rules interpreting statutory provisions that it administers. If you want to limit the PSC’s authority over the meaning of the terms, you could create definition for the terms. Let me know if you want to add definitions.

Also, please note that the proposed Clean Energy Jobs Act may negate the changes made by this amendment. Therefore, you should monitor the changes made by that proposed act to ensure that it is amended in a way that accomplishes your intent.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Walsh, Patrick H.
Sent: Thursday, April 15, 2010 8:04 AM
To: Kunkel, Mark
Subject: FW:

Patrick Walsh
Office of Senator Russ Decker
608-266-2502
Patrick.Walsh@legis.wisconsin.gov

From: Bryan Brooks [mailto:brooksconsulting@me.com]
Sent: Wednesday, April 14, 2010 5:45 PM
To: Walsh, Patrick H.
Subject: Re:

The language you sent looks great. Also wondering if we can be added to the "credits" section of the bill?

Here would be new language adding synthetic gas from plasma:

196.378(3)(a)1m. The commission shall promulgate rules that allow an electric provider to create a renewable resource credit based on use in a year by the electric provider, or a customer or member of the electric provider, of solar energy, including solar water heating and direct solar applications such as solar light pipe technology; geothermal energy; biomass; biogas; or synthetic gas created by the plasma gasification of waste, but only if the use displaces the electric provider's, customer's, or member's use of electricity that is derived from conventional resources, and only if the displacement is verifiable and measurable, as determined by the commission. The rules shall allow an electric provider to create a renewable resource credit based on 100 percent of the amount of the displacement.

Bryan

also add fuel pellets



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa2186/Le
MDK:jld:rs

2
removes
been

now

SENATE AMENDMENT,
TO 2009 SENATE BILL 273

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: before "and" insert ", inclusion of certain resources that
3 generate electric power from synthetic gas or fuel pellets in the renewable portfolio
4 standard,".

5 **2.** Page 2, line 1: before that line insert:

6 "SECTION 1g. 196.378 (1) (h) 1. h. and i. of the statutes are created to read:
7 196.378 (1) (h) 1. h. Synthetic gas created by the plasma gasification of waste.
8 i. Densified fuel pellets made from waste material that does not include
9 garbage, as defined in s. 289.01(9), and that contains no more than 30 percent fixed
10 carbon."

11 **3.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1r".

12 (END)

INSERT 1-11 ✓

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2186/2ins
MDK:.....

1

INSERT 1-11:

2

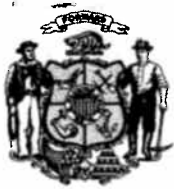
1. Page 3, line 8: delete “or biogas,” and substitute “biogas; synthetic gas

3

created by the plasma gasification of waste; or densified fuel pellets described in sub.

4

(1) (h) 1. i.;” ✓



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa2186/2
MDK:jld:rs

Now

SENATE AMENDMENT,
TO 2009 SENATE BILL 273

PM has been sum

sgs

fill in

certain fuel

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3 generate electric power from synthetic gas or fuel pellets in the renewable portfolio
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8 i. Densified fuel pellets made from waste material that does not include
9 garbage, as defined in s. 289.01(9), and that contains no more than 30 percent fixed
10 carbon.

11 **3.** Page 2, line 1: delete "SECTION 1" and substitute "SECTION 1r".

9 j. Fuel produced by pyrolysis of organic or waste material.

1 **4.** Page 3, line 8: delete "or biogas," and substitute "biogas; synthetic gas
2 created by the plasma gasification of waste; ~~of~~ densified fuel pellets described in sub.

3 (1) (h) 1. i.;".

4 (END)

or fuel described in sub. (i) (h)

1 0 j 0 }
 ↑ ↑
lower case letter Semi colon
J