

CLEAN AND RENEWABLE ENERGY AND ENERGY WASTE REDUCTION ACT (EXCERPT)
Act 295 of 2008

***** 460.1011.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 27, 2024 *****

460.1011.amended Definitions; R.

Sec. 11. As used in this act:

- (a) "Renewable energy" means electricity or steam generated using a renewable energy system.
- (b) "Renewable energy contract" means a contract to acquire renewable energy and the associated renewable energy credits from 1 or more renewable energy systems.
- (c) "Renewable energy credit" means a credit granted under a certification and tracking program established under section 41, which represents generated renewable energy.
- (d) "Renewable energy credit portfolio" means the sum of the renewable energy credits achieved by a provider for a particular year.
- (e) "Renewable energy credit standard" means a minimum renewable energy credit portfolio required under section 28 or former section 27.
- (f) "Renewable energy plan" or "plan" means a plan approved under section 22 or former section 21 or 23 or found to comply with this act under former section 25, with any amendments adopted under this act.
- (g) "Renewable energy resource" means a resource that naturally replenishes over a human, not a geological, time frame and that is ultimately derived from solar power, water power, or wind power. Renewable energy resource does not include petroleum, nuclear, natural gas, industrial waste, post-use polymers, tires, tire-derived fuel, plastic, or coal. A renewable energy resource comes from the sun or from thermal inertia of the earth and minimizes the output of toxic material in the conversion of the energy and includes, but is not limited to, all of the following:
 - (i) Biomass, as described in any of the following:
 - (A) Landfill gas as described in subparagraph (vii).
 - (B) Gas from a methane digester using only feedstock as described in subparagraph (viii).
 - (C) Biomass used by renewable energy systems that are in commercial operation on the effective date of the amendatory act that added section 51.
 - (D) Trees and wood used in renewable energy systems that are placed in commercial operation after the effective date of the amendatory act that added section 51, if the trees and wood are derived from sustainably managed forests or procurement systems, as defined in section 261c of the management and budget act, 1984 PA 431, MCL 18.1261c.
 - (ii) Solar and solar thermal energy.
 - (iii) Wind energy.
 - (iv) Kinetic energy of moving water, including all of the following:
 - (A) Waves, tides, or currents.
 - (B) Water released through a dam.
 - (v) Geothermal energy.
 - (vi) Thermal energy produced from a geothermal heat pump.
 - (vii) Landfill gas produced from solid waste facilities.
 - (viii) Any of the following if used as feedstock in a methane digester:
 - (A) Municipal wastewater treatment sludge, wastewater, and sewage.
 - (B) Food waste and food production and processing waste.
 - (C) Animal manure.
 - (D) Organics separated from municipal solid waste.
- (h) "Renewable energy standard" means the minimum renewable energy capacity portfolio, if applicable, and the renewable energy credit portfolio required to be achieved under section 28 or former section 27.
- (i) "Renewable energy system" means a facility, electricity generation system, or set of electricity generation systems that use 1 or more renewable energy resources to generate electricity or steam. Renewable energy system includes the following:
 - (i) A landfill gas recovery and electricity generation facility located in a landfill whose operator employs best practices for methane gas collection and control and emissions monitoring, as determined by the department of environment, Great Lakes, and energy.
 - (ii) A methane digester, if it processes only 1 or more of the following:
 - (A) Municipal wastewater treatment sludge, wastewater, or sewage.
 - (B) Food waste or food production and processing waste.
 - (C) Animal manure.

(D) Organics separated from municipal solid waste.

(iii) A facility or generation system or set of systems that is placed in commercial operation after the effective date of the amendatory act that added section 51, but only if the facility or generation system or set of systems uses as feedstock trees and wood derived from sustainably managed forests or procurement systems, as defined in section 261c of the management and budget act, 1984 PA 431, MCL 18.1261c.

(j) Renewable energy system does not include any of the following:

(i) A hydroelectric pumped storage facility.

(ii) A hydroelectric facility that uses a dam constructed after October 6, 2008 unless the dam is a repair or replacement of a dam in existence on October 6, 2008 or an upgrade of a dam in existence on October 6, 2008 that increases its energy efficiency.

(iii) An incinerator. This subparagraph does not apply before 2040 to an incinerator that was generating power before January 1, 2023, unless the incinerator is expanded.

(iv) A gasification facility.

(v) A facility that cofires biomass with tires or tire-derived fuel.

(k) "Resource adequacy" describes having sufficient resources to provide customers with a continuous supply of electricity at the proper voltage and frequency, virtually always and across a range of reasonably foreseeable conditions.

(l) "Revenue recovery mechanism" means the mechanism for recovery of incremental costs of compliance provided for under section 22.

History: 2008, Act 295, Imd. Eff. Oct. 6, 2008;—Am. 2016, Act 342, Eff. Apr. 20, 2017;—Am. 2023, Act 235, Eff. Feb. 27, 2024.

Compiler's note: Enacting section 1 of Act 295 of 2008 provides: "Enacting section 1. As provided in section 5 of 1846 RS 1, MCL 8.5, this act is severable."