

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 886  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/7/09  
House Committee Substitute Favorable 6/29/10

Short Title: Cleanfields Act of 2010.

(Public)

Sponsors:

Referred to:

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE THE ESTABLISHMENT OF CLEANFIELDS RENEWABLE  
3 ENERGY DEMONSTRATION PARKS IN THE STATE.  
4 The General Assembly of North Carolina enacts:  
5 **SECTION 1.** Legislative findings. – The General Assembly makes the following  
6 findings regarding the need for cleanfields renewable energy demonstration parks:  
7 (1) Economic development in the State will be served by providing an  
8 opportunity to convert former manufacturing sites into cleanfields renewable  
9 energy demonstration parks, thereby providing employment opportunities  
10 for the residents of North Carolina.  
11 (2) The health and safety of the citizens of North Carolina will be served  
12 through the assessment and remediation of environmental conditions at  
13 former manufacturing facilities.  
14 (3) The public interest of the State will be served by diversifying the resources  
15 used to reliably meet the energy needs of consumers in the State, providing  
16 greater energy security through the use of indigenous energy resources  
17 available within the State, and encouraging private investment in renewable  
18 energy and energy efficiency.  
19 (4) The public interest of the State will be served by encouraging former  
20 operators of manufacturing facilities to transfer ownership in property,  
21 making it possible for new operators to restart production at such facilities.  
22 (5) The State and the public will directly benefit from the innovative approach  
23 utilized in a cleanfields renewable energy demonstration park to resolving  
24 pressing societal and environmental issues facing the State and its citizens.  
25 (6) The public interest of the State will be served by the innovative nature of a  
26 cleanfields renewable energy demonstration park as a model for future  
27 projects and for its ability to provide information on the risks and complexity  
28 associated with the development of renewable energy projects.  
29 **SECTION 2.** Criteria for designation. – A parcel or tract of land, or any  
30 combination of contiguous parcels or tracts of land, that meet all of the following criteria may  
31 be designated as a cleanfields renewable energy demonstration park:  
32 (1) The park consists of at least 250 acres of contiguous property.  
33 (2) All of the real property comprising the park is contiguous to a body of water.  
34 (3) The property within the park is or may be subject to remediation under the  
35 Comprehensive Environmental Response, Compensation, and Liability Act



1 of 1980, as amended (42 U.S.C. § 9601, et seq.), except for a site listed on  
2 the National Priorities List pursuant to 42 U.S.C. § 9605.

3 (4) The park contains a manufacturing facility that is idle, underutilized, or  
4 curtailed and that at one time employed at least 250 people.

5 (5) The owners of the park plan to attract at least 250 new jobs to the site.

6 (6) The owners of the park have entered into a brownfields agreement with the  
7 Department of Environment and Natural Resources pursuant to  
8 G.S. 130A-310.32 and have provided satisfactory financial assurance for the  
9 brownfields agreement.

10 (7) The creation of the park is for the purpose of featuring clean-energy  
11 facilities, laboratories, and companies, thereby spurring economic growth by  
12 attracting renewable energy and alternative fuel industries.

13 (8) The development plan for the park must include at least three renewable  
14 energy or alternative fuel facilities.

15 **SECTION 3.** Certification. – The owner of a parcel or tract of land that seeks to  
16 establish a cleanfields renewable energy demonstration park shall submit to the Secretary of  
17 State an application for designation. The Secretary shall examine the application and may  
18 request any additional information from the owner of the parcel or tract of land or the  
19 Department of Environment and Natural Resources needed to verify that the project meets all  
20 of the criteria for designation. If the Secretary determines that the project meets all of the  
21 criteria, the Secretary shall make and issue a certificate designating the parcel or tract of land as  
22 a cleanfields renewable energy demonstration park to the owner and shall file and record the  
23 application and certificate in an appropriate book of record. The parcel or tract of land shall be  
24 designated as a cleanfields renewable energy demonstration park on the date the certificate is  
25 filed and recorded.

26 **SECTION 4.** Renewable energy generation. – The definitions in G.S. 62-133.8  
27 apply to this act. If the Utilities Commission determines that a biomass renewable energy  
28 facility located in the cleanfields renewable energy demonstration park is a new renewable  
29 energy facility, the Commission shall assign triple credit to any electric power or renewable  
30 energy certificates generated at the facility that are purchased by an electric power supplier for  
31 the purposes of compliance with G.S. 62-133.8(b) and (c). The triple credit shall apply only to  
32 the first 20 megawatts of the biomass renewable energy facility's generation capacity.

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