

Green Legal News

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Energy Efficiency

California

The Warren-Alquist State Energy Resources Conservation and Development Act would require the State Energy Resources Conservation and Development Commission to adopt building design and construction standards, and energy and water conservation standards to reduce the uneconomic, inefficient, or unnecessary consumption of energy, including energy associated with the use of water. The bill would require the commission to adopt, in collaboration with specified parties, building design and construction standards, and energy and water conservation standards to require new nonresidential constructions commenced on or after January 1, 2030, to be zero net energy buildings. This bill would define the term "zero net energy building." AB 2030.

The San Francisco Building Inspection Commission voted to send a proposed code amendment to the Board of Supervisors which will require LEED standards for virtually all new construction within the City.

Idaho

A law adopts the Idaho Energy Efficient State Building Act which requires all major state buildings, and building renovations, to be designed, constructed and certified to a standard that achieves energy savings at least 30% greater than the current state legislated energy code. The requirement applies if a project: 1. Receives funding from the state general fund or the state permanent building account or is financed through the Idaho State Building Authority; and 2. Is constructed by - or for occupancy by - a state "officer, department, division, bureau, commission and board, including those in the legislative or

judicial branch and public post secondary educational institutions." HB 422

Michigan

The Senate approved a bill that would require that 10 percent of electricity in state buildings come from wind, solar or other renewable sources by 2010. The standard would rise to 25 percent by 2025, though the government could avoid mandates if it turns out the cost of renewable energy is more than 5 percent higher than traditional power. Another bill passed by the Senate Thursday would require all Michigan electric companies to offer green energy programs to their customers, including noting on each bill the price differential between green power and nonrenewable energy. The Senate also voted to create a state income tax credit of up to \$200 a year for those who participate in a green energy program. SB 1000, 1040, 1041

Greenhouse Gas

Federal

Former vice president Al Gore is launching a three-year, \$300 million campaign aimed at mobilizing Americans to push for aggressive reductions in greenhouse gas emissions. The Alliance for Climate Protection's "we" campaign will employ online organizing and television advertisements on shows ranging from "American Idol" to "The Daily Show with Jon Stewart."

EPA Administrator Stephen Johnson told Congress that he has decided to begin the process of federal carbon regulation by seeking public comment on the implications of regulating carbon dioxide, a leading greenhouse gas, on other agency rules—a move that will significantly delay regulation.

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Johnson wrote to key members of Congress outlining an exhaustive public-comment approach to the Supreme Court decision that he said would better address what harm greenhouse gases may cause, based on thorough study of all industry sectors -- not just vehicles -- that emit such gases. "This approach gives the appropriate care and attention this complex issue demands," wrote Johnson. "Rather than rushing to judgment on a single issue, this approach allows us to examine all the potential effects of a decision with the benefit of the public's insight. In short, this process will best serve the American public."

A bill was introduced in the Senate to establish the Clean Energy Investment Bank Fund. The Fund would be used for projects in a state related to the production or use of energy that uses a commercial technology that the Bank determines avoids, reduces, or sequesters 1 or more air pollutants or anthropogenic emissions of greenhouse gases more effectively than other technology options available to the project developer. The Bank would be allowed to issue insurance, loan guarantees and give loans and credit assistance. S. 2730

California

California regulators cut the number of zero-emission vehicles required to be sold in the state by the year 2014. The rules put the number of electric and hydrogen fuel-cell vehicles that automakers sell in California at 7,500 by 2014 a 70 percent reduction from the 2003 target. The decision is expected to affect 12 other states that had adopted California's target for zero-emission vehicles. The Air Board took two steps: It cut the number of zero-emission vehicles it wants on state's roads, while at the same time offering an alternative: the gas-electric hybrids. The air board said the six largest automakers must sell nearly 60,000 plug-in hybrid vehicles in California while they develop the more advanced technology that will allow mass production of pure zero-emission vehicles.

Colorado

A bill was preamended which authorizes Colorado carbon fund special license plates for motor vehicles that do not exceed 16,000 pounds, conditioned upon a donation to the Colorado carbon fund established by the governor's energy office. SB 186.

Connecticut

A bill was reissued which requires the Renewable Energy Investments Board, in developing its comprehensive plan for the Renewable Energy Investment Fund, to give preference to projects that have a societal benefit, which includes a lessened carbon footprint; reduction of air, noise, or water pollution; job creation; or an increased tax base. The law already requires the board to give preference to projects that maximize the reduction of federally mandated congestion charges. SB 389.

Lighting

Federal

The "Light Bulb Freedom of Choice Act," was introduced in the Senate which would repeal the national phase-out of incandescent bulbs.

The IRS issued additional guidance relating to the tax deduction for energy efficient building under Section 179D expands and clarifies some of the guidance in Notice 2006-52. The tax deduction allowed under 179D can be allocated to the "designer" of the property for government owned buildings. The "designer" is defined as "a person that creates the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under 179D)." A designer includes an architect, engineer, contractor, environmental consultant or energy services provider who creates the technical specifications for a new building or an addition to an existing building that incorporates energy

efficient commercial building property. A person that merely installs, repairs or maintains the property is not a designer. Under the Permanent Rule, the IRS is allowing a taxpayer to elect to have the energy efficient improvement percentage over ASHRAE Standard 90.1-2001 be reduced to 10% for building envelope (down from 16 2/3%). However, if a taxpayer elects to do so, it must increase the interior lighting threshold and HVAC threshold to 20% (up from 16 2/3%). This election will become the permanent rule after 12/31/08. The IRS is now including within the interim lighting rule unconditioned garages, either attached or detached.

Solar/Photovoltaic

Federal

12 cities were named as Solar America Cities. This is an initiative by President Bush to make electricity from solar photovoltaic cost-competitive with conventional power by 2015. Each city will receive \$200,000 to integrate solar energy technologies. They are Denver; Houston; Knoxville, Tenn.; Milwaukee; Minneapolis and St. Paul, Minn.; Orlando, Fla.; Philadelphia; Sacramento, San Jose and Santa Rosa, Calif.; San Antonio; and Seattle. The cities also receive technical assistance estimated at \$3 million to integrate solar power into energy planning, zoning and facilities and to promote solar power to residents and businesses.

California

Southern California Edison Co. plans to build the nation's largest solar energy installation an array of collector cells covering two square miles of rooftops that could power about 162,000 homes. Edison said it asked state regulators for approval to begin installing the technology on the rooftops of commercial buildings throughout the region over the next five years. The project would cost an estimated \$875 million. Edison hopes to mount

the first cells immediately on buildings in Riverside and San Bernardino counties, with some sites operational as soon as August.

Colorado

Proposed Senate Bill 117 would cap residential permits for solar panel installations at \$300. Permits for installation of solar panels on top of businesses could cost as much as \$1,000.

A law was passed that allows net metering for solar projects under 25 kw. HB 1160.

Wind

Maine

A bill was introduced to implement wind farms in Maine. The goal is at least 2,000 MW by 2015 and 3,000 MW by 2020. SB 908.

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