

(4) A customer that satisfies the standard applicable to the customer's load under this subsection may not be required to contribute to a compliance fee recovered under § 7-706 of this subtitle.

(5) The Commission shall adopt regulations governing the application and transfer of credits under this subsection consistent with federal law.

~~[(g)]~~ (F) (1) In order to create a renewable energy credit, a Tier 1 ~~renewable source or~~ Tier 2, ~~OR TIER 3~~ renewable source must substantially comply with all applicable environmental and administrative requirements, including air quality, water quality, solid waste, and right-to-know provisions, permit conditions, and administrative orders.

(2) (i) This paragraph applies to Tier 2 renewable sources that incinerate solid waste.

(ii) At least 80% of the solid waste incinerated at a Tier 2 renewable source facility shall be collected from:

1. for areas in Maryland, jurisdictions that achieve the recycling rates required under § 9-505 of the Environment Article; and

2. for other states, jurisdictions for which the electricity supplier demonstrates recycling substantially comparable to that required under § 9-505 of the Environment Article, in accordance with regulations of the Commission.

(iii) An electricity supplier may report credits received under this paragraph based on compliance by the facility with the percentage requirement of subparagraph (ii) of this paragraph during the year immediately preceding the year in which the electricity supplier receives the credit to apply to the standard.

7-705.

(a) Each electricity supplier ~~AND EACH ELECTRIC COMPANY WHOSE RATES ARE REGULATED BY THE COMMISSION~~ shall submit a report to the Commission each year in a form and by a date specified by the Commission that:

(1) demonstrates that ~~the electricity supplier~~ ~~IF~~ has complied with the applicable renewable energy portfolio standard under § 7-703 of this subtitle and includes the submission of the required amount of renewable energy credits; or

(2) demonstrates the amount of electricity sales by which ~~the electricity supplier~~ ~~IF~~ failed to meet the applicable renewable energy portfolio standard.