



March 31, 2022

Massachusetts Department of Energy Resources
100 Cambridge St.
Suite 1020
Boston, MA 02114

RPS Public Comment - Renewable Portfolio Standard, Class I

To Whom It May Concern,

The American Biogas Council is pleased to offer comments to the Renewable Portfolio Standard Rulemaking that is currently in process at the Massachusetts Department of Energy Resources. It has come to our attention that the Massachusetts Department of Energy Resources has proposed changes to the Renewable Portfolio Standard, Class I through its rulemaking process concerning the qualification of certain facility types of renewable energy subject to environmental justice guidelines in Category B of its proposal. While proposals to advance the protection of the air we breathe and to advance environmental justice as a whole are extremely important, the Department may be applying its environmental justice map to a larger scope of project types than simply biomass combustion facilities, potentially inadvertently impacting biogas to energy projects.

Biogas projects are important organic waste disposal assets. Biogas facilities serve as an important method of converting organics into higher valued products including renewable energy. Since the 2012 rulemaking process, 225 CMR 14:02 Definitions defined Eligible Biomass Fuel, including biogas as:

*Eligible Biomass Fuel. Fuel sources consisting of Eligible Biomass Woody Fuel, Co-mingled Biomass Woody Fuel, Manufactured Biomass Fuel; by-products or waste from animals or agricultural crops; food or vegetative material; algae; organic refuse derived fuel; **anaerobic digester gas and other biogases that are derived from such resources**; and neat Eligible Liquid Biofuel that is derived from such fuel sources; but shall not include Construction and Demolition Waste as defined in 310 CMR 19.006: Definitions*

In its rulemaking process, the Department has proposed redefining biogas fuel with a new definition in 225 CMR 14.02 Definitions which reads:

Eligible Biogas Fuel. A gaseous fuel that is produced by the contemporaneous bacterial decomposition or thermal gasification of Eligible Biomass Fuel. Eligible Biogas Fuel does not include natural gas, but does include renewable natural gas, which is Eligible Biogas Fuel upgraded to a quality similar to natural gas.

The aforementioned environmental justice guidelines in your proposed rule are to only be applied to projects which either use Eligible Biomass Woody Fuel or Manufactured Biomass Fuel with a Commercial Operation Date after December 31, 2021. In your rulemaking procedure, Manufactured Biomass Fuel has been defined in 225 CMR 14.02 Definitions as:

Manufactured Biomass Fuel. A biomass fuel that is prepared, other than by means of fuel drying, through a fuel processing facility that is separate from a Generation Unit and that utilizes Eligible Biomass Woody Fuel for production. Examples include, but are not limited to, the mechanical production of wood pellets or bio-dust, and the refinement of bio-oil through pyrolysis.

It has come to our attention that despite the definition above, the Department intends to consider Eligible Biogas Fuel projects incorporating thermal gasification of Eligible Biomass Fuel as Manufactured Biomass Fuel in addition to being an Eligible Biogas Fuel. This makes for confusion and indicates that the Department may inadvertently apply the new environmental justice guidelines to biogas projects. Because of the loose definition, we propose that to avoid any further confusion, the Department define Manufactured Biomass Fuel as the following:

A biomass fuel that is prepared other than by means of fuel drying, through a fuel processing facility that is separate from a Generation Unit and that only utilizes a Eligible Woody for production of said Manufactured Biomass Fuel. Examples include

but are not limited to, the mechanical production of wood pellets or bio-dust, and the refinement of bio-oil through pyrolysis. However a biomass fuel that is an Eligible Biogas Fuel shall not also be considered a Manufactured Biomass Fuel.

By adopting this simple language change, the Department will avoid the confusion of placing biogas projects into the new environmental justice provisions as proposed in Category B. We thank you for your consideration of this extremely important matter, and hope that you will incorporate our recommendations into your final rule for the Renewable Portfolio Standard, Class I.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Serfass". The signature is stylized with a large "P" and "S".

Patrick Serfass, Executive Director