



March 28, 2022

Mr. John Wassam
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Dear Mr. Wassam,

Roberts Energy Renewables, Inc. (RER) is a Massachusetts clean energy development company based in Ashfield, Massachusetts. Since 2011, we have been working in the area of renewable wood fuel supply, syngas to energy project development, and biochar distribution.

I am writing with comments regarding the proposed Renewable Portfolio Standard (RPS) regulations. I am directing my specific remarks to Category A and Category B as you defined them in your recent rulemaking announcement,

On a positive note, I commend your decision to simplify the process of qualifying woody biomass fuel in the RPS regulations. The existing fuel supply regulations created in 2012, while well-intentioned were actually a burden for foresters, wood chip fuel suppliers, and project owners to comply with. Foresters in our industry were unable to produce RPS eligible wood chips from tree tops and branches as part of a harvest plan due to the paperwork required for supply tracing as required by the RPS being too burdensome. In many cases it doubled the forester's time spent on a job.

When chipping slash to produce RPS compliant fuel was attempted, the result was an economic loss to the landowner. It is particularly interesting as two years ago DOER purchased two high-capacity in-woods chipping units for private contractors in western Massachusetts as part of an EEA wood energy infrastructure grant program. In many cases the attempt to use wood chips from tree tops and branches for an RPS facility cancelled out any benefit which the landowner received from the sale of higher-valued saw logs and cordwood sold as part of the same forestry work. It is great to see that the new fuel supply regulations are based on the common-sense approach already used in the Alternative Portfolio Standard (APS), reducing foresters time performing paperwork and bringing more economic value to the landowner. If landowners cannot gain any financial benefit from performing forestry work, **most will not engage in forestry work at all.**

I diverge from concurrence with your recommended regulation changes as they pertain to the environmental justice setback language, which eliminates any woody biomass CHP systems from eligibility for the RPS if they are within five miles of an environmental justice (EJ) community as determined by DOER. While I understand the need to protect our vulnerable populations, your proposed changes are concerning in the actual impact which will be felt.

Several months ago, when the EJ requirement was proposed by DOER, no maps of EJ communities were made available for the public's review. We were surprised when the statewide map was officially released and nearly 90% of the state was off-limits to woody biomass CHP, **even if such systems were only a couple of hundred kilowatts in hourly nameplate output.** The DOER's claim that the EJ limitations were to prevent largescale utility biomass is inaccurate as **utility-scale plants were already banned in the RPS due to the 60% efficiency limitation** and the fact that the EJ restrictions apply to facilities of any size, not just utility-scale

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plants. Mainstream administrative bodies such as the U.S. Forest Service have long incentivized the value of woody biomass combined heat and power. Even in California - a very progressive state by most standards - the California Public Utilities Commission is presently administering the Biomat Program, a program which provides higher rate power purchase agreements similar to Massachusetts' SMART solar program but for small biomass CHP facilities producing less than 5 megawatts of electric power. The fact that Massachusetts is choosing to stand alone in essentially all but banning wood chip CHP systems in its RPS is peculiar to say the least.

To add further confusion, in a request for clarification as to how the new EJ restrictions would be interpreted, the DOER Renewable Energy Division made known to our company as well as another independent developer that biogas systems would be treated as if they are woody biomass combustions systems for purposes of EJ implementation if biogas is produced from woody biomass. This decision goes against all basic understanding of energy conversion technologies. A biogas to energy system utilizes clean, flammable biogas in a biogas engine just like an anerobic digester produces clean, flammable biogas for use in a biogas engine. Claiming that such a system is technically the same as a furnace which burns wood to produce steam for use in a turbine is factually inaccurate. I would go so far to argue that DOER would be hard pressed to find a professional engineer who would concur with your department's standing on this matter.

Furthermore, biogas energy systems using biogas sourced from wood also creates biochar as a coproduct. Biochar is a soil amendment which is made up of at least **80% carbon by weight**. When stored in soils, biochar allows the corresponding energy project to be carbon negative as the carbon associated with the original wood is stored in the soil. The Intergovernmental Panel on Climate Change has endorsed biochar as one of the most readily available, cost-effective options for carbon removal and storage. However, because biochar markets are still developing, these project owners benefit greatly from being able to sell RPS-compliant electricity in the New England market while they are scaling their businesses. DOER should recognize that Massachusetts needs to play a role in assisting the United States in working to meet the IPCC's goals by keeping biochar systems out of the EJ restrictions.

Overall, our company supports protecting vulnerable communities in our Commonwealth when done so in a responsible fashion. I applaud the decision that DOER made in not changing the RPS to meet the demands of the proposed utility-scale Springfield biomass power plant. This plant was poorly sited and would have negatively impacted a low-income neighborhood both through air emissions and truck traffic. However, the implementation of the new setback language goes far beyond the original intent to simply bar the Springfield plant from being built. It penalizes small systems and **will even penalize the growth of a regional biochar industry**. These biochar systems are contractually required to make use of the biogas produced by their production facilities if they wish to sell carbon credits for biochar stored in soils. The RPS is an excellent method for them to do this economically.

Additionally, the fact that the DOER is also changing the RPS to allow for out-of-state power plants of up to 30 megawatts in hourly nameplate output to earn Class I RECs even at low efficiencies between 20 and 30% is troubling. How is it an environmental justice concern for a small 500-kilowatt plant in a rural community in western Massachusetts an EJ issue but a large plant consuming 13,000 truckloads of wood chips annually in a neighboring state not of concern to EJ advocates? This is yet another inconsistency with your methodology in applying changes to the RPS.

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The EJ setback language which you have proposed also does not align with the climate bill signed by Governor Baker last year. While the bill has language requiring that the Massachusetts Department of Environmental Protection input new review processes for air emissions facilities within five miles from EJ communities, nowhere in that law did it call for an outright ban on even low-emitting facilities within those zones. DEP is already working on developing a cumulative impact analysis regulation for EJ communities or facilities within five-miles of such communities. The key here is that a review process is being established, not an outright ban.

As a member of various trade associations actively opposing the full implementation of your proposed rule changes, we concur with other mainstream advocates that if DOER is to truly implement changes in a fair manner, then the EJ restrictions within your RPS changes should be limited to facilities greater than 2 megawatts. Facilities smaller than this should be exempt as they have minimal impact on EJ communities. Furthermore, biogas facilities should be exempt from DOER's EJ requirements whether they be using biogas sourced from wood, manure, or food waste.

Yours Sincerely,

Evan B. Dell'Olio
Vice President