

Please enter the following comments into the legal record for this rule-making process. I have been a resident of the Commonwealth of Massachusetts since 1991 and I have lived in Western Mass for the past 26-years. I frequently recreate in the forested woodlands of Western Mass, especially on public lands, and conservation lands, State Parks, State Forests, areas subject to conservation restrictions, and other similar undeveloped lands. I hike, camp, swim, paddle, and backpack on lands throughout Massachusetts.

The proposed revised regulations, 225 CMR 16.00, and the accompanying 84-plus pages of guidelines and spreadsheets constitute an egregious executive overreach as compared to the enabling legislation, Chapter 251 of the Acts of 2014. The proposed regulations are, frankly, embarrassing. It is painfully obvious that my comments that were submitted on the first draft of these regs, along with the substantive comments of many others who commented approx. a year ago (at a hearing held at UMass Amherst), have been ignored and the proposed second draft of the APS regs are even worse than the first draft.

Simply put, these are not really regulations at all. Apparently DOER does not know how to correctly compose regulations, perhaps because it is not in the business of regulation, but rather promotion of energy development. The 33-pages of proposed APS regs are poorly written, rely extensively on "Guidelines" (over 80-pages) and a spreadsheet that provide so much discretion to the Department that the regulations are essentially meaningless. For instance, the regs refer to the Guidelines, but at the end of each of the four sets of guidelines;

Biomass page 11, Item 14 Miscellaneous;
Metering, Part 1 page 13, Item 4 Miscellaneous;
Metering, Part 2, page 56, Item 4 Miscellaneous;
AEC Multipliers, page 3, Item 6 Miscellaneous;

The following statement appears at the end of each Guideline: "The Department may permit an exception from any provision of this Guidance for good cause." This amount of arbitrary discretion renders these guidelines meaningless. Since the APS Regs rely so heavily on the Guidelines, these statements render the regs essentially meaningless, as anything may be excepted by the Department "for good cause". This is the most arbitrary and capricious form of regulation that I have ever seen. It is not a regulation actually, it is a blank check for Agency abuse and an invitation to corruption. When anything can be excepted at a whim, there is nothing left that is not subject to political expediency.

The Biomass Guidance in particular is appalling, as are the sections in 225 CMR 16.00 that deal with biomass "regulation". Appalling is a mild description. Disgusting, unlawful, dangerous, and idiotic are more fitting terms. The manner in which the APS Regs deal with biomass is an embarrassment. DOER has wasted millions of dollars of the Clean Energy Fund promoting dirty biomass. Grants, unsecured loans, wasted staff positions, setting up Dwayne Breger as the head of the DOER Dirty Energy Extension Office at UMass Amherst, funding of the Sapphire program, the Mohawk Trail Woodland Partnership (and Mohawk Trail Wood Heat Initiative), The CEC HeatSmart Program, and all of the other colossal wastes of rate-payer funds that were supposed to go towards clean energy but instead have been subverted for promotion of dirty biomass energy. DOER has been a propaganda machine cheer-leading for biomass for years, in partnership with a revolving-door of characters from the biomass industry and lobbyists from the

Mass Forest Alliance. An MFA forester and staff member currently works for DOER and sat at the head table at the APS hearing held in Holyoke today. The corruption is appalling.

These regulations, as written, especially the portion of the regs having to do with forest biomass, are not legally or properly constructed, and will be challenged in court if adopted as written. The entire section of the regs dealing with biomass must be removed and an extensive public participation process must be held or DOER will be subject to legal action. The regs, as written, are fatally flawed.

The APS regs contain some biomass standards, but they are not enforceable, they are subject to arbitrary discretion, and there is no monitoring for the most likely applications. These regs, as pertains to forest biomass, seem to have been written by an industry simpleton with no background in regulatory matters and appear to be nothing more than the implementation of an industry wish list.

I am opposed to these regulations for Public Health reasons as well, as expressed by all of the folks who spoke to this topic at the hearing in Holyoke today. How do you folks sleep at night? Have you no decency? Does DOER require that you have your soul removed before you take the job? Ask Dwayne "Dirty Biomass" Breger, the only person in the Commonwealth who while working for DOER drove to Greenfield to speak against the adoption of the Biomass Ordinance that was passed over his sole opposition. How can such a person continue to exist and not die from embarrassment?

I am strongly opposed to the APS Regs, as proposed, and intend to ask my elected State Officials to remove the Clean Energy Fund from the dirty biomass-covered fingers of DOER and put it with an agency that is not a captive of the regulated community. This money is too important to allow it to be raided by a small group of money-grubbing wealthy landowners who have paid lobbyists and paid-politicians. Everything about this process stinks. The collusion, the revolving-door, the wasted millions, the DOER-produced propaganda. It stinks like a sewer.

You should be ashamed to be associated with this effort, and you would be if you had any ethical standards. Shame on you DOER. Shame.

Sincerely,

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