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July 26, 2019

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

Dear Mr. Wassam,

Construction Industries of Massachusetts, Inc. (CIM) is the collective voice of the heavy and highway construction industry in Massachusetts. As an industry leader in the public construction arena, we are proud to represent our members and the industry on the whole to protect their interests and to advocate for our common goals. As such, we are thankful for this opportunity to submit to the Massachusetts Department of Energy Resources (DOER) a few comments regarding the proposed regulatory changes to the Renewable Energy Portfolio Standard (RPS), 225 CMR 14 and 15.

The members of CIM are engaged in public and private work across the Commonwealth. Our members include prime contractors, subcontractors, material suppliers, professional firms (such as legal and insurance/bonding), engineering and consultant firms, and all other aspects of the industry. Our members include large national firms, small local family-owned businesses, and every type of company in between.

Collectively, we fully appreciate DOER's mission and goals, including the need to encourage greater use of renewable energy sources and to facilitate the process by which this is accomplished. CIM believes these tenets are the motivating factors behind the proposed changes to the RPS. We applaud the DOER for attempting to simplify the regulations.

Because some of our members may be directly or indirectly affected by the proposed regulatory changes, we feel it is essential for us to raise a few concerns that appear to us to be counterintuitive. Materials generated from land clearing or land conversion, activities that are integral to many projects undertaken by our members, are currently allowed by the RPS to be used as biomass fuel (i.e., clearing chips). This has been the case, we believe, since its inception. Disallowing clearing chips will have several unwanted and counterproductive consequences.

First, although the fuel value of land clearing chips is relatively insignificant, project costs are often offset by having an avenue through which to use these materials beneficially. In the

absence of this outlet, costs for our members and their clients will be increased. Surely, direct logistics, transportation and disposal costs will rise, among other expenses.


Moreover, the “externality” of not utilizing the chips will be lost, and there even may be negative environmental impacts since unused chips will decompose, releasing potential greenhouse gases. What’s more, additional fuel will undoubtedly need to be consumed for transportation and disposal activities, where materials may have to be trucked out of state.

It is generally known in the construction industry that land clearing or land conversion activities are seldom done speculatively. It is too costly to justify, even with a potential market for woody biofuels. We can assume, then, that any projects by which land clearing chips would be generated have been well planned. Hence, by disallowing a productive and sustainable use of materials generated from trees that have been predetermined to be cut does not make sense.

Second, and possibly more burdensome to our members and the DOER is the potential litigation from opponents of the technology who could pursue action against past certificates and monies from the prior clearing materials.

On behalf of our members, we respectfully urge DOER to continue to allow land clearing materials to be utilized for eligible woody biomass. Disallowing this use will result in significant and unnecessary costs and will escalate environmental impacts. We truly appreciate the opportunity to provide these comments and appreciate your consideration as you continue to review the proposed regulatory changes. Please do not hesitate to reach out to us if you have questions about our comments.

Sincerely,


John M. Pourbaix, Jr.
Executive Director