

John Wassam
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114
And via email at doer.rps@mass.gov

June 6, 2019

Dear Mr. Wassam:

We appreciate the opportunity to comment on the amended draft of the Massachusetts Renewable Energy Portfolio Standard regulations (225 CMR 14.00 and 15.00). Please note that we are submitting comments here only on the wood energy portions of the amendments, having commented on hydropower as part of a joint comment letter submitted by the Massachusetts River Alliance under separate cover. We did not submit comments on amendments to the Massachusetts Alternative Energy Portfolio Standard (APS), as those changes were clearly explained in materials released by the Department of Energy Resources (DOER) and appear to continue with existing policy and regulations governing wood heat, and to add a study that will provide useful information about the role of wood heat in the APS.

The Nature Conservancy is a leading conservation organization working around the world to protect ecologically important lands and waters for nature and people. The Conservancy and its members have protected over 24,000 acres of habitat in Massachusetts. We provide input based on best-available science to help landowners, communities, agencies and non-profits, and legislators conserve and manage forests in a way that maximizes the clean water and air, forest products, wildlife habitat, recreation, and economic benefits of forests.

We applaud DOER for revising the definition of eligible wood fuel in 225 CMR 14.00 so that it no longer includes wood from non-agricultural land clearing. As the Conservancy and many other organizations and stakeholders have commented in the past, wood harvested during conversion of forest to developed land is, by definition, not sustainable. A forest cleared for development does not have the opportunity to regenerate, and results in a permanent loss of carbon stocks and opportunity to sequester carbon. We were very pleased to see this category of wood excluded from the definition of eligible wood fuel in the APS, and removing it from the RPS as well is a welcome change that brings the RPS more in line with the rest of the Department's efforts to reduce emissions.

We also appreciate the narrowing of the definition of forest-derived thinnings. With new technology and efforts to use smaller-diameter trees in products like character wood flooring and trim, cross-laminated timber, and glulam, it makes sense to steer as much wood as possible to long-lived products like building materials that can store carbon indefinitely and substitute for concrete and steel.

We are extremely concerned about some of the other amendments, which appear to be designed to pave the way for the building and operation of additional large-scale electricity-only biomass plants. These proposed changes substantively weaken carefully-negotiated regulations and guidelines. We respectfully call for DOER to clarify and justify the intent and impact of those changes in light of the Global Warming Solutions Act and other relevant state policies. Without such a justification, we strongly urge DOER to withdraw its proposed amendments and retain the existing regulations and guidelines. We have the following requests and questions:

1. We would appreciate further explanation of the changes in how efficiency of a biomass facility is used to calculate the amount of Renewable Energy Certificates (RECs, attributes) awarded. Will efficiency levels of 40-60% be required for biomass facilities to qualify for RECs or fractions thereof? Or does the deletion of this language substitute calculations of carbon benefits for a facility percentage efficiency standard?
2. Along with many other stakeholders, we do not understand why the efficiency requirement for woody biomass electricity plants was eliminated for facilities with over 95% of wood fuel sourced from forest salvage and non-forest derived residues (225 CMR 14.05, 1, a). We are deeply concerned both by the precedent set by eliminating the efficiency requirement, and by the potential impact on wood heat. The Nature Conservancy does not see large-scale, electricity-only biomass facilities as compatible with our vision for Massachusetts forests, in part because they cannot meet even the modest efficiency standards originally laid out in the RPS. At the same time, our position is that small-scale wood heat facilities (sometimes with combined heat and power), when fueled appropriately, can be compatible with our forest vision. Forest-derived residues and thinnings may be among the best fuels to use to generate energy, but we would prefer to see incentives that steer this fuel toward wood heat facilities, rather than toward electricity facilities.
3. The DOER Forest Impact Assessment was a key safeguard written in to the original RPS. We disagree with the change in start date for these assessments from 2015 to 2020, and are concerned that changes to the text may reduce or eliminate the obligation DOER has to use this assessment to better understand and adaptively manage its lifecycle greenhouse gas analysis.
4. In previous letters, we have commented on the need to continually evaluate the particulate matter emissions limits for biomass energy facilities. A spatially explicit approach may be helpful, rather than a single state-wide particulate emissions limit, since the background levels of particulate matter and the source of that air pollution are relevant in considering any new biomass facility. For example, in environmental justice communities in cities with high levels of particulate matter pollution, new biomass energy facilities may not be appropriate even if they emit very low levels of pollution. At the same time, in rural communities where there are many older, highly-polluting outdoor wood boilers and stoves, replacing these with highly efficient wood heat systems (e.g. through Mass Clean Energy Center's change-out program) could potentially improve air quality by reducing overall particulate matter levels.

The Nature Conservancy has been a part of many DOER stakeholder processes around designing the RPS and APS regulations regarding wood energy. We appreciate the careful balancing act required of DOER on this complicated issue. However, these proposed amendments represent a sharp departure from previous precedent and balance. **If the efficiency standards for wood energy facilities are lowered in the way DOER has proposed, we feel that continued inclusion of wood in the RPS may no longer be appropriate.** Our forests are a renewable resource, but not an unlimited one, and we need to use forests and trees in the wisest way possible to prevent and prepare for climate change.

Thank you very much for your consideration of these comments, and please don't hesitate to reach out with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Long".

Steve Long

Director of Government Relations
The Nature Conservancy in Massachusetts
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cc: Kathleen Theoharides, Secretary of Energy and Environmental Affairs (EEA)
Patrick Woodcock, Undersecretary of Energy (EEA)