

P. O. Box 382
North Adams, MA 01247

May 17, 2019

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

In re REVISED PROPOSED CHANGES TO ALTERNATIVE
PORTFOLIO STANDARD REGULATIONS (225 CMR 16.00)

Gentlepeople:

The Baker Administration's assault on anything that delays the implementation of the 2008 Global Warming Solutions Act by ANY proposal of the Massachusetts Department of Energy Resources (DOER), OR by any other government entity or private corporate conglomerates must be strenuously fought and stopped immediately. The Commonwealth must acknowledge, respect, and implement far-reaching solutions that conform with worldwide accepted science of the disastrous effects of greenhouse gases and global warming.

I am in TOTAL agreement with the contents of the August 17, 2017, letter to Michael Judge, Director, Renewables Division, Massachusetts Department of Energy Resources, in re "Joint Comments to Proposed Revised Proposed Changes to Alternative Portfolio Standard Regulations (225 CMR 16.00)," a copy of which is attached. I understand this letter, signed by fourteen organizations, was not even given the decency of a response.

For DOER to waste one penny of taxpayer money and its time on opposing solutions to clean energy, energy efficiency, the health care and public safety of Commonwealth residents is unconscionable and blatantly disgraces its charge to protect the residents of our Commonwealth.

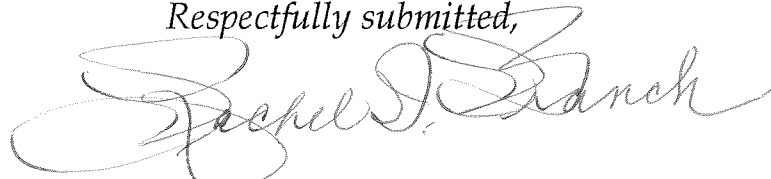
Department of Energy Resources
May 17, 2019
Page Two

We are in a climate catastrophe the world has never seen. This must adamantly be fought with each and every minute of our governmental agencies' time in finding solutions to save the lives of our children and our planet.

To do any less is disastrous and a flagrant mismanagement of the charge of Massachusetts government entities. This is not some political game to be played...This is about life and death matters.

Just who is being paid to stop the necessary solutions to our environmental crisis?

Respectfully submitted,

A handwritten signature in cursive script, reading "Rachel I. Branch". The signature is fluid and elegant, with a large, stylized initial "R".

(Mrs.) Rachel I. Branch

August 7, 2017

Michael Judge
Director, Renewables Division
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

Submitted via email to thermal.doer@state.ma.us

Re: Joint Comments on Revised Proposed Changes to Alternative Portfolio Standard Regulations (225 CMR 16.00)

Dear Director Judge:

On behalf of the undersigned organizations, we submit the attached comments on the revised proposed changes to the Alternative Portfolio Standard Regulations (225 CMR 16.00) to include renewable thermal in the Massachusetts Alternative Renewable Energy Portfolio Standard (APS), pursuant to Chapter 251 of the Acts of 2014 and Chapter 188 of the Acts of 2016.

Our organizations represent tens of thousands of Massachusetts residents from across the state who will be impacted by these regulations, through proximity to logging operations, exposure to pollutants from combustion of biomass and waste, as ratepayers who will finance APS credits, and as citizens who are affected by climate change. Several of our groups were intimately engaged in the development of Massachusetts' landmark 2012 regulations governing the inclusion of biomass in the Massachusetts Renewable Energy Portfolio Standard (RPS), which are widely considered the most advanced in the nation.

The attached comments are being submitted in response to the revised Draft 225 CMR 16.00 regulations (the "revised draft regulations") filed by the Massachusetts Department of Energy Resources (DOER) on June 2, 2017. These comments are in addition to the previous comments our groups submitted jointly and individually to the administrative record on the initial draft 225 CMR 16.00 regulations that were released in 2016; they do not replace them. Unless otherwise noted, to the extent that our previous recommendations were not accepted and the draft regulations changed accordingly, our original concerns still stand.

For the purposes of these comments, our focus is on revisions to the draft regulations pertaining to "Eligible Biomass Woody Fuel" and "Manufactured Biomass Fuel" and new provisions added to the draft regulations on "Thermal Waste-to-Energy." Organizations may be submitting comments separately on other aspects of the proposed changes.

Since submitting comments on these regulations a year ago, our overarching concern that these regulations will lead to significant adverse impacts on the environment has not changed; indeed,

the revised draft regulations and associated guidelines provide even weaker protections than the initial draft.

Furthermore, newly-available federal data show that Massachusetts already has the highest levels of particulate pollution in New England from residential wood-burning. According to the National Emissions Inventory, biomass combustion accounted for 83% of all PM_{2.5} emissions from heating in Massachusetts in 2014, and a quarter of the state's total PM_{2.5} emissions. The state should not be using clean energy funds to support more biomass pollution. Our comments focus on five main areas of concern:

- **Sustainability Standards:** The proposed standards for sustainable forestry are far weaker than those adopted in 2012 for the Renewable Portfolio Standard (RPS), even though the ecological impacts of forest biomass harvesting are the same regardless of whether the wood is burned for electricity or for heat.
- **Greenhouse Gas Emissions:** The draft regulations will allow increased greenhouse gas emissions in Massachusetts for decades, and DOER has failed to conduct a life-cycle analysis of the climate change impacts resulting from incentivizing more biomass combustion. We are submitting separate files to provide documentation on this point.
- **Toxics and Air Pollution:** The emissions standards are lax and do not adequately protect Massachusetts residents from conventional air pollutants such as fine particulates. These regulations would provide incentives to technologies that will fail to meet EPA standards in two years.
- **Thermal Waste-to-Energy:** The revised regulations now allow garbage incinerators that produce steam to be eligible for the APS. Like biomass, garbage incineration is more polluting than fossil fuels per unit of energy generated and should not receive clean energy credits.
- **Existing Law and the Enabling Statute:** The draft regulations fail to meet the stringent criteria for biomass harvesting and burning set forth in the enabling statute and are inconsistent with the goals of other state laws, such as the 2008 Global Warming Solutions Act.

The revised draft 225 CMR 16.00 regulations continue to be fundamentally flawed and incompatible with the stated goals of the APS and other Massachusetts programs designed to support clean energy and reduce greenhouse gas emissions. We urge DOER to remove Eligible Biomass Woody Fuel, Manufactured Biomass Fuel, and Thermal Waste to Energy from the program until such time as DOER corrects the flaws evident in the draft regulations. Any new program must comply with existing law, protect environmental justice communities, and meet if not surpass the State's goals under the Global Warming Solutions Act.

Thank you for your consideration,

Casey Harvell Bowers, Massachusetts Director of Public Policy
American Lung Association

Jesse Lederman, Director of Public Health and Initiatives
ARISE

Terry Estes
Buckland Board of Health

Kevin P. Bundy, Senior Attorney
Center for Biological Diversity

Joel Wool, Advocate: Energy & Environment
Clean Water Action

Janet Sinclair
Concerned Citizens of Franklin County

Ben Hellerstein, State Director
Environment Massachusetts Research & Policy Center

Nancy Goodman, Vice President for Policy
Environmental League of Massachusetts

Susan Masino
Friends of Peru State Forest

Dr. Matt Bivens, Chair
Greater Boston Physicians for Social Responsibility

Mary Booth, Director
Partnership for Policy Integrity

Michael Kellett, Executive Director
RESTORE: The North Woods

Emily Norton, Director
Massachusetts Sierra Club

Claire Miller, State Director
Toxics Action Center