

**TO:** Massachusetts Department of Energy Resources  
ATTN: John Wassam  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Submitted via e-mail to [doer.rps@mass.gov](mailto:doer.rps@mass.gov)

**DATE:** June 7, 2019

**RE:** **Proposed RPS regulations – Comments of the Union of Concerned Scientists**

Mr. Wassam:

Thank you for the opportunity to comment on the proposed changes to the Massachusetts Renewable Portfolio Standard (225 CMR 14.00). The Union of Concerned Scientists puts rigorous, independent science to work to solve our planet's most pressing problems. Joining with people across the country—including thousands in Massachusetts—we combine technical analysis and effective advocacy to create innovative, practical solutions for a healthy, safe, and sustainable future. One focus of our work in the power sector for several decades has been on market-based solutions to drive the adoption of clean energy options, including the use of renewable portfolio standards (RPSs).

In Massachusetts, with input from UCS and others, the electric sector restructuring act in 1997 included the nation's first state-wide RPS, which subsequently became a powerful tool for driving the development of new renewable energy resources in and for Massachusetts. And the RPS's role in reducing carbon pollution from the power sector has become increasingly clear in recent years.

The challenge of climate change demands serious attention to achieving significant reductions in heat-trapping emissions, and the power sector, despite important progress, remains a major source. In addition to decarbonizing the power sector, many recent studies have shown, addressing climate change must also involve increasing electrification of transportation, heating, and more to reduce fossil fuel use and emissions in other sectors through the use of low-carbon electricity. Those points make even more important the regulations that govern the RPS, as a key tool for decarbonization.

In that light, the Massachusetts legislature's decision last year to increase the RPS's annual step-ups, from 1 percent to 2 percent over the next decade, was welcome news. And we are pleased to see that change reflected in the draft RPS regulations.

Many of the other proposed changes in these draft regulations, to Class I and beyond, however, are alarming, and would have the effect of weakening the environmental integrity of the RPS. The many members of the public—and legislators—advocating for an increase to the RPS surely did not envision these other changes as part of that move, and the legislature gave no indication of that being its intent either.

We include here a brief mention about some of our concerns with the proposed changes, and point to additional resources that cover the issues in detail. The focus of our comments is RPS Class I, but some of the points apply more broadly.

**Hydroelectric power.** Hydro, as a technology with a century of experience in Massachusetts, was excluded when the RPS was originally enacted, as the primary goal was to foster the development of new technologies that would increase the supply of renewables and reduce emissions. The legislature subsequently determined that there could be a role to play in driving innovation even within a sector with that much history and, via the 2008 Green Communities Act, added hydro to the list of potentially qualifying technologies. It did so, however, with strong stipulations about hydro projects adopting proper environmental strictures; there was an understanding then, as now, that the interests of the Commonwealth were best served by allowing in only *responsible* hydro development. The key tool chosen by DOER for administering that provision of the Green Communities Act at the time was the Low Impact Hydro Institute, as a third party well positioned and well qualified to provide certification and oversight services that DOER did not (and does not) have.<sup>1</sup> And that approach has been successful at keeping hydro as a responsible part of the RPS Class I.

The proposed changes—requiring a one-time certification by LIHI and no continuing engagement requirement—would dramatically undercut the important roles LIHI has been performing for the state and the public. They also seem unsupported by science and unresponsive to the conditions expressed in the Green Communities Act for hydro participation in the RPS. Ongoing LIHI involvement, including annual review and comprehensive recertification every 5-10 years, is important for addressing changing conditions with projects and their surroundings, and the proposed changes would remove that benefit.

---

<sup>1</sup> The Union of Concerned Scientists has been involved with LIHI since its founding, and holds a seat on the board of directors.

For more detailed treatment of the LIHI certification issue, please see the separate comment letter from Massachusetts Rivers Alliance, et al.

**Biomass energy.** Biomass in the Massachusetts RPS has also had a complicated history. The 1997 originating legislation for the RPS envisioned the inclusion of “advanced” biomass power conversion technologies. Yet that term was not adequately defined until the 2012 rule-making that sought to create incentives for high-efficiency biomass facilities, using lower-carbon feedstocks (and, as a corollary, to remove incentives for lower-efficiency facilities, and ones using feedstocks with a long carbon payback period).

The changes envisioned in the draft regulations would undo many of the decisions made in the 2012 rule-making, which involved a lengthy and robust stakeholder process, informed by the latest science available. We strongly disagree with many of those proposed changes, including:

- lowering the required minimum plant efficiency for RPS qualification for plants using certain feedstocks,
- completely eliminating the efficiency requirement for facilities that use certain feedstocks without ensuring that those facilities would achieve a significant reduction in emissions,
- expanding the feedstock eligibility to include “salvage” wood and other residues without adequate safeguards or restrictions,
- eliminating the definition of energy crops, which many studies have shown can achieve emission reductions over a relatively short period of time if grown on marginal or degraded land,
- potentially allowing construction and demolition waste to qualify as a biomass fuel
- replacing science-based metrics with unsupported and vague “sustainable forestry” provisions that do not include any quantifiable standards for measuring what is sustainable, and
- abolishing the advisory panel envisioned in the 2012 regulations.

Changes such as these would reduce the environmental integrity of the RPS overall. For more details on these issues, please see the separate comment letter from Conservation Law Foundation, the Partnership for Policy Integrity, and others.

**Solar power.** The solar carve-out program (via Solar Renewable Energy Certificates, or SRECs, phases I and II) has been a powerful force for developing a market for solar photovoltaic systems in Massachusetts, and led to the commonwealth being one of the top states for installed solar capacity. Much of that success was attributable to the predictable nature of the state incentives. The drop in solar activity in Massachusetts in recent years, as the successor to SREC II was under development, is testament to the negative effects of unpredictability.

The impact of regulatory uncertainty is why the proposed changes in the draft regulations are concerning. The draft regulations propose to change existing policy concerning compensation for the earliest adopters, those developers, businesses, and households that entered into the SREC I program. The compensation structure that DOER had previously put in place served as a basis for investment decisions by developers and customers. While system deployments under that program ended several years ago, this proposed change could cause uncertainty that would negatively affect current and future solar activity, and decrease confidence in state-backed incentives aimed at developing the Massachusetts solar market. While DOER's "RPS and APS Stakeholder Announcement" document accompanying the draft changes presents projected "savings", the figure represents a cost to the early solar adopters on which the state's solar economy has been built. And any disruption to future activity would represent a cost borne more broadly.

### **Conclusion**

Several of the proposed changes would degrade the environmental integrity of the RPS, to the detriment of residents of Massachusetts and neighboring locales. Some, by expanding the supply of RECs from sources that are less environmentally robust, would also weaken the market pull for other renewable energy resources, at a time when we need to be driving their development to the fullest extent possible.

Many of the proposed changes would benefit from a more thorough stakeholder process, and closer attention to the developing science, particularly around bioenergy.

For these reasons, we request that you reject or table the proposed changes listed above, with the exception of the increase in the annual step-up in the RPS Class I requirement.

Thank you for your attention to these important matters.

Sincerely,



John H. Rogers  
Senior energy analyst  
Union of Concerned Scientists  
jrogers@ucsusa.org