

Wassam, John (ENE)

From: Mary Hall <hallmhay8@gmail.com>
Sent: Sunday, May 16, 2021 2:41 PM
To: DOER RPS (ENE)
Subject: RPS Class I and RPS Class II Rulemaking - 225 CMR 14.00 and 225 CMR 15.00 - Phase 2 Biomass Changes

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May 16, 2021

Mr. John Wassam
Massachusetts Department of Energy Resources
100 Cambridge Street, Suite 1020
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--- Submitted electronically via doer.rps@mass.gov ---

Re: RPS Class I and RPS Class II Rulemaking - 225 CMR 14.00 and 225 CMR 15.00
- Phase 2 Biomass Changes

Dear Mr. Wassam:

In formulating my own response to our Department of Energy Resources' proposed RPS rules changes, I would like to affirm language in a letter to you from various organizational entities: language that was drafted by the Conservation Law Foundation and the Partnership for Policy Integrity. The following are some of their words, which speak not only for many interested groups of people but also for individuals like me. I have added some emphasis on points that I consider to be of key interest.

"The draft regulatory amendments initially proposed in 2019 by the Department of Energy Resources ('DOER') included sweeping changes to the eligibility criteria for wood-burning biomass power plants. The most recent changes proposed by DOER in April 2021 will exclude any biomass power plant built in or near environmental justice communities from qualifying for the RPS, a measure we strongly support. However, despite concerns raised by hundreds of groups and thousands of individual citizens during and following the initial public comment period in 2019, **DOER is still proposing to reduce or completely eliminate core requirements of the 2012 RPS biomass rules** — the first in the nation and the world to recognize that burning wood for energy increases greenhouse gas emissions.

"In its current proposed amendments, DOER:

- **eliminates the efficiency criteria for biomass power plants that were operational before 2021** and claim to burn "non-forest derived residues," while significantly expanding the definition of "residues" (including whole trees, in certain instances);
- **eliminates the regulatory requirement that generation units using biomass cannot exceed the air pollution emissions limits in the RPS guidelines;**
- **eliminates the science-based forest and soil protections for biomass harvesting** and replaces them with vague and unenforceable "sustainable forest management" provisions;
- **expands the definition of "forest salvage" to include trees** that are "harvested through a DCR-approved cutting plan;" and
- **eliminates the entire fuel tracking procedure established to certify compliance with eligible biomass guidelines.**

These and other proposed changes would remove barriers that currently prevent polluting and inefficient wood-burning power plants in Maine, New Hampshire and elsewhere to qualify for the Massachusetts RPS. Massachusetts electric customers would be on the hook for tens of millions of dollars in renewable energy subsidies if these polluting and inefficient plants become eligible.

"DOER's biomass proposal incentivizes inefficient biomass-fueled electricity without any justification based in environmental or climate science. **DOER resorts to numerous gimmicks to underestimate life-cycle CO2 emissions from bioenergy**, such as no longer counting fossil fuel emissions from the harvesting, processing, and transport of biomass fuel, counting fuel drying as "useful energy," and relying on single-year rather than multi-year emissions assessments.

"The overall impact of all of the proposed biomass amendments will be to increase CO2 emissions, increase air pollution with all its attendant health impacts, and decrease forest carbon sequestration. **The changes will make it harder, rather than easier, for Massachusetts to reduce emissions, contradicting the intent of the Global Warming Solutions Act and the new climate legislation signed by Governor Baker this spring.**

"The newly proposed Environmental Justice protections should cover all combustion technologies in the RPS."

Beyond these concerns that the Conservation Law Foundation, the Partnership for Policy Integrity, and many other groups are bringing forward for your attention, I am also advised of that the grandfathering in of biomass operations that do not meet best efficiency standards as qualifying for RPS benefits would particularly be problematical. In an effort to understand what qualifying language you should omit from rules changes, I have taken a quick look at

225 CMR 14.00 is promulgated pursuant to M.G.L. c. 25A, § 11F. 14.02: Definitions, which would allow:

“Advancement of Biomass Conversion Generation Unit. A Generation Unit that utilizes an Eligible Biomass Woody Fuel determined by the Department to significantly advance biomass energy conversion by either:

(a) **utilizing a new energy conversion technology**; or

(b) **processing the woody biomass fuel in a new manner**, but in no instance shall the Unit use a single cycle steam turbine generator. The Unit shall be amongst the first installed Generation Units, and demonstrate advancement in the commercial applicability, including advancements in the control and reduction of emissions other than greenhouse gas emissions, of biomass energy.”

Mr. Wassam, I am not a lawyer, and am not well versed in the technical nuances being discussed here. I have added emphasis (with bold type and underlining) to two phrases that appear to me to be quite important. The definitions in question must surely call for a meaningful and well-informed public discussion beyond what has been made possible to date.

Might I conclude this comment by once again affirming my hope that biomass energy generation will not be permitted to qualify for RPS benefits. In the event that it should in any way be allowed, I would understand it is imperative that such biomass meet best efficiency standards. Any and all allowed biomass generation must meet the efficiency standards being required for biomass plants commissioned after January 2021.

Yours Respectfully,

Mary Hayden Hall

cc by standard mail: Mr. Wassam