



The Commonwealth of Massachusetts

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

Re: Proposed Changes to Alternative Portfolio Standard Regulations (225 CMR 16.00)

Dear Director Judge:

The undersigned members of the Massachusetts Legislature write regarding proposed regulations under 225 CMR 16.00 and the treatment of biomass under the state's Alternative Energy Portfolio Standard (APS) incentive program for thermal energy. We are concerned that the proposed changes are inconsistent with the 2014 enabling legislation for the APS and with the 2012 Renewable Portfolio Standard (RPS) regulations limiting greenhouse gas emissions from bioenergy, and that they will increase air pollution from wood-burning. Accordingly, we urge that provisions in the draft regulations regarding "Eligible Biomass Woody Fuel" and "Manufactured Biomass Fuel" be removed from the program until such time as the DOER has corrected evident flaws.

Massachusetts established itself as a leader in reducing greenhouse gas emissions and recognizing the climate impacts of burning wood for energy by enacting landmark regulations in 2012 based on extensive public and stakeholder input. After commissioning a study that found low-efficiency wood burning power plants could interfere with mandated emissions reductions under the Global Warming Solutions Act, the state enacted science-based regulations that restricted biomass harvesting in fragile environments, required retention of forest residues to maintain and protect soils, and based bioenergy eligibility for subsidies on achieving a net reduction in GHG emissions over 20 years relative to fossil-fired facilities.

The ecological impacts of forest biomass harvesting are the same regardless of whether wood is burned for electricity or thermal applications. However, the APS regulations as proposed are inexplicably weaker than the science-based standards adopted in 2012 for the RPS. The proposed APS regulation instead arbitrarily eliminates harvesting guidelines and lifecycle greenhouse gas accounting for more carbon-intensive forms of biomass, and extends the carbon debt calculation timeframe from 20 to 30 years. To continue Massachusetts' tradition of evidence-based policy in the renewable energy arena, the regulations for biomass eligibility under the new APS program must be consistent with existing programs in the Commonwealth and based on the best available science – especially new science that highlights the urgency of reducing greenhouse gas emissions immediately.

Last year's ruling by the Massachusetts Supreme Judicial Court (SJC) affirms the need for careful due diligence in developing regulations for the APS. The SJC ruled that the Global

Warming Solutions Act mandates the imposition of annual, declining limits on greenhouse gas emissions for multiple categories of emissions in Massachusetts. The spirit of this ruling should apply to any program the Commonwealth enacts to promote and subsidize adoption of a particular technology in the service of reducing greenhouse gas emissions. Residential heating contributed 18.5% of the Commonwealth's overall greenhouse gas emissions in 2014, a 2.3% increase over 1990 baseline levels, and the commercial heating sector showed a similar increase. These emissions are likely to continue to increase, not decline, if Massachusetts opts to incentivize more residential and commercial wood-burning through the proposed APS regulations and without adequate and consistent safeguards in place.

Expanding use of biomass under the APS will increase conventional air pollution by subsidizing a technology – wood burning – that is one of the largest sources of air pollution in the U.S. It is well-established that wood pellet and chip boilers generally emit more particulate matter per unit of energy than fossil fuel boilers. The regulations set a particulate matter emissions limit of 0.03 lb/MMBtu for boilers installed near sensitive populations, but in fact this limit should be imposed for all installations, because sensitive populations can occur anywhere. Additionally, the proposed regulations would subsidize boilers that will not even qualify under EPA emissions rules that will be released within the next two years. Vermont and New Hampshire have adopted EPA New Source Performance Standards (NSPS) to regulate small boilers, and Massachusetts should do the same.

EPA data show that Massachusetts already has some of the highest county-level particulate matter emissions from residential wood combustion in New England and New York. The effects of particulate pollution on respiratory and cardiac health are well-documented. Massachusetts has an unfortunate combination of high childhood asthma prevalence and many days when air pollution exceeds EPA's health standards, factors that speak to the urgency that new sources of air pollution be controlled to the maximum degree possible, particularly if they are to be subsidized as renewable energy. The failure of the APS emission control requirements to set protective emissions requirements must thus be remedied.

The changes proposed to the APS under the DOER draft regulations could significantly increase carbon and particulate pollution and degrade forest carbon sequestration in Massachusetts and beyond. Inaction at the federal level on climate change makes it all the more important that state-level programs addressing climate mitigation have integrity. In order to allow the APS program to move forward in promoting thermal energy that genuinely reduces carbon and particulate pollution, we urge the Department to remove "Eligible Biomass Woody Fuel" and "Manufactured Biomass Fuel" from the draft regulations, until there is a fair and impartial science-based review of the potential climate, forest, and public health impacts of expanding use of biomass for thermal energy.

Sincerely,



Paul W. Mark