

May 17, 2021

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

--- 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:

Thank you for this opportunity to provide comments on the latest iteration of proposed changes to Massachusetts' Renewable Portfolio Standard ("RPS") Class I and Class II Regulations. The undersigned entities, which represent more than 70 organizations and businesses and tens of thousands of Massachusetts residents, oppose changes to the RPS that would expand incentives for biomass energy, undoing climate protections and putting forests and public health at risk. Additionally, on May 10th, the Conservation Law Foundation and Partnership for Policy Integrity submitted a request to extend the public comment period with respect to the Phase 2 regulations, citing procedural concerns. That request was denied on May 14th.

We strongly oppose the proposed inefficient and costly changes to biomass qualification.

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.

We support the new provision prohibiting generation units using eligible biomass woody fuel from qualifying for the RPS program if they are located in or within five miles of an environmental justice population, and recommend that this provision be expanded to include all combustion technologies that are covered in the RPS. This provision is supported by findings cited in the MassDEP letter revoking the permit for the proposed Palmer Renewable Energy biomass plant in Springfield, which references more recent information about the health impacts from exposure to fine particulate matter emissions and other air pollution from power plants, including exacerbating mortality and long-term health impacts of COVID-19. Since air pollution travels, and all communities contain sensitive populations, the state should be reducing the number and types of polluting technologies that qualify for state support, not increasing them.

In sum, we urge DOER to preserve and strengthen the new provision protecting environmental justice populations, and to withdraw all other proposed changes to the RPS biomass regulations.

Sincerely,

2Degrees Northampton
350MA - Berkshires
350MA - Central Mass
Acadia Center
Arise for Social Justice
Berkshire Environmental Action Team (BEAT)
Biodiversity for a Livable Climate
Center for Biological Diversity
Chase Systems LLC
Citizens for Holden's Energy Future (CHEF)
Citizens' Climate Lobby, MA
Climate Action Group, Leverett, MA
Climate Action Now Western Mass
Community Action Works
Concerned Citizens of Franklin County
Conservation Law Foundation
Education, Economics, Environmental, Climate and Health
Elders Climate Action - Massachusetts Chapter
Environment Massachusetts
Environmental League of Massachusetts
FCCPR, Climate Change Task Force
Friends of Mohawk Trail State Forest
Friends of the Earth
Global Environmental Options
Greater Boston Physicians for Social Responsibility
Green Energy Consumers Alliance
Green Newton
Green Sanctuary, Climate Justice Committee of the Unitarian Universalist Church of Reading
Green Tea Party
Greenenvironment, LLC
Health Care Without Harm
HealthLink
Hilltown Vision Fund, Inc.
Jewish Alliance for Law and Social Action
Jewish Climate Action Network-MA (JCAN)
John Muir Project of Earth Island Institute
Last Tree Laws

Learning Lab for Resiliency™
Legacy Forest Trust
Lexington Global Warming Action Coalition
Longmeadow Pipeline Awareness Group
Massachusetts Climate Action Network (MCAN)
Massachusetts Forest Watch
Massachusetts Interfaith Power & Light
Massachusetts Sierra Club
Mothers Out Front Massachusetts
Natural Resources Defense Council
Neighbor to Neighbor Massachusetts
No Fracked Gas in Mass
North American Megadams Resistance Alliance
North Parish Climate Justice Group
Partnership for Policy Integrity
PATH (People Against Toxic Herbicides)-Ashfield
Pelham Citizens for Climate Action
Pioneer Valley Asthma Coalition
Pioneer Valley Democratic Socialists of America
Pipe Line Awareness Network for the Northeast
Pivot Point, A Nonprofit Corporation
Resist the Pipeline
RESTORE: The North Woods
SAFE (Salem Alliance for the Environment)
Save Massachusetts Forests
Save the Pine Barrens, Inc.
South Congregational Church, Amherst
Springfield Climate Justice Coalition
Sustainable Marblehead Advocacy
Sustainable Middleborough
Sustainable Wellesley
Take Back the Grid
The Enviro Show
Unitarian Universalist Society of Greater Springfield
Watertown Faces Climate Change/350 Mass
Wendell State Forest Alliance