

July 26, 2019

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

--- Submitted electronically via [doer.rps@mass.gov](mailto:doer.rps@mass.gov) ---

**Re: RPS Class I and RPS Class II Rulemaking - 225 CMR 14.00 and 225 CMR 15.00 - Joint Stakeholder Comments**

Dear Mr. Wassam:

Thank you for the opportunity to provide additional comments regarding the proposed changes to Massachusetts' Renewable Portfolio Standard ("RPS") Class I and RPS Class II Regulations. The 100 undersigned entities represent citizens of this Commonwealth, cities, towns, business owners, faith communities, advocates for energy, the environment, environmental justice, public health and health care, and more. All are dedicated to helping Massachusetts lead the nation on clean, renewable energy growth and climate action. This rulemaking was prompted by passage last summer of legislation to increase the RPS by 2% per year beginning in 2020. At times, the proposal has been characterized as minor technical corrections aimed at cleaning up and clarifying the standard. However, what has been proposed by the Department of Energy Resources ("DOER") is far more than modest adjustments. The changes proposed to the RPS would weaken the very important state energy standard that heretofore has been an essential driver of the development of clean renewable energy resources.

We offer these comments for further consideration as the administration moves forward with this rulemaking.

Climate change is occurring at an accelerated rate. Increasingly, its impacts are being felt in communities and across all sectors of the Commonwealth. Decarbonization of the electric sector is the most cost-effective way to achieve deep greenhouse gas ("GHG") emission reductions required to comply with mandates set by the Global Warming Solutions Act ("GWSA"), let alone to combat climate change. Accordingly, Massachusetts' RPS—one of the longest-standing, most science-based standards in the nation—has not only been an essential driver of clean energy development in the state and the region, but it is also a critically important component of the Commonwealth's GWSA compliance strategy. Now is not the time to ease its stringency. And yet, that is what has been put forth by DOER as part of this rulemaking.

Most disconcerting are DOER's proposals for substantially weakening biomass eligibility requirements and increasing subsidies for garbage incineration. As a state, we simply cannot burn our way to climate compliance. Burning woody biomass and incinerating trash for electricity without adequate lifecycle standards results in GHG emissions that undercut climate gains. These technologies also cause harmful local air pollution that compromises public health. The health burdens imposed are especially harmful for the Commonwealth's most vulnerable residents: children, the elderly, and communities already overburdened with pollution.

**BIOMASS**

The proposed biomass changes will gut climate protections and put public health at risk. DOER is proposing to reduce or completely eliminate the core requirements of the 2012 RPS rules — the first in the nation and the world to recognize that burning wood for energy increases greenhouse gas emissions.

These science-based rules were developed through a comprehensive process undertaken in the wake of public outcry over three large wood-burning power plants that were proposed in western Massachusetts. DOER's proposed rollback lacks scientific integrity, transparency, and adequate public process. For example, DOER proposes the elimination of efficiency criteria for biomass power plants that burn significantly expanded categories of "salvage" wood and "residues". Both the efficiency requirement cuts and the expanded category definitions will result in increased emissions. DOER also proposes to eliminate Massachusetts-specific forest harvesting criteria, which are critical to ensuring actual biosequestration for the qualifying biomass. DOER's calculations further grossly underestimate lifecycle CO<sub>2</sub> emissions from bioenergy by neglecting to also account for fossil fuels burned during harvesting, processing, and transport of biomass. DOER's biomass proposal incentivizes logging and burning trees for electricity without any justification based in environmental or climate science. This will increase CO<sub>2</sub> emissions and decrease carbon sequestration. These changes will allow polluting and inefficient wood-burning biomass power plants in Maine, New Hampshire and elsewhere that are currently ineligible for the MA RPS to receive tens of millions of dollars in renewable energy credits (RECs), and will incentivize new biomass plants to be constructed in MA and beyond.

### **TRASH INCINERATION (RPS Class II)**

In the RPS Class II waste-to-energy section, DOER proposes increasing the amount of energy our utilities must purchase from qualifying facilities from 3.5% to 3.7% for 2019 through 2025. DOER also proposes increasing the RPS Class II waste-to-energy rate to align with the RPS Class II Renewable Energy alternative compliance rate, effective this year. In this category, where no new facilities are coming on line, increasing these two figures is simply an action that directs more money to existing generators without any benefit to the people of Massachusetts. Burning solid waste is highly polluting and already produces 750,000 tons of incinerator ash containing heavy metals, furans, and dioxin each year, which must be disposed of in landfills. For those forced to live in close proximity to these facilities, the effects are even more dire. Studies show residents near incinerators suffer increased rates of disease and shorter life expectancy. The RPS should not be adjusted to prop up and extend the operation of aging incineration facilities, nor should it be used to facilitate the development of new trash-burning plants, at the expense of the health and lives of residents of the Commonwealth.

Proposed changes to requirements for hydroelectricity, solar energy, and imported energy are also problematic.

### **HYDROELECTRIC GENERATORS**

The stringency of RPS requirements currently induces development of and investment in facilities that are as clean as possible. In the case of hydroelectricity, the RPS encourages facilities that have the least environmental impact possible. DOER, however, proposes to remove a requirement for recertification from the Low Impact Hydropower Institute ("LIHI"). Currently, an RPS-eligible hydropower facility must meet rigorous standards for river flows, water quality, fish passage and protection, watershed protection, threatened and endangered species protection, cultural resource protection, and recreation. Rivers are dynamic ecological systems, and the recertification process as currently required ensures that negative environmental impacts continue to be minimized in a manner consistent with the Green Communities Act ("GCA"). Watering down and removing the requirement for recertification from LIHI would undermine a project operator's motivation to improve their systems and minimize their environmental impact over time. A qualified project would effectively receive a lifetime qualification regardless of any environmental changes or technological advances that would prompt updated conditions to protect river systems.

### **CHANGES TO THE SREC-1 PROGRAM**

The SREC-I program played an important role in accelerating the early deployment of solar energy in Massachusetts, making the Commonwealth a national leader for solar. Under the original regulations for

SREC-I, qualifying projects are eligible to generate SRECs until the end of the program in 2023, although they are only able to participate in clearinghouse auctions (a form of price support) for 10 years. The proposed changes, by limiting overall SREC eligibility to 10 years, would reduce the amount of time that these projects are eligible to generate SRECs by at least one quarter and up to 4 years. Although these changes would not affect any new solar projects that are built today, we are concerned that changing the rules this late in the game for SREC-I would create uncertainty around future solar programs. This uncertainty could have the effect of slowing down solar development in Massachusetts, at a time when we should be accelerating our clean energy progress.

### **IMPORTED ENERGY**

DOER has proposed to remove the requirement that energy generated outside of New England be imported under a contract and delivered into New England in order to be eligible to create a Renewable Energy Certificate (“REC”) used to demonstrate compliance with the MA RPS. The proposed change goes against rules that have been in effect for over 15 years and are set in Massachusetts RPS statute. This change threatens the integrity of the REC market and opens the door for sham energy trades to generate RECs that could destabilize the market, causing a lack of trust and making it harder for renewable energy projects to grow within the region. The removal of this requirement should be rejected.

In closing, the proposed changes to the RPS regulations are not mere technical corrections aimed at “cleaning up” the RPS. Instead, DOER has proposed overhauling the state’s RPS, gutting the very components that have distinguished it from other states and made it such an effective driver of renewable energy development for nearly two decades. In driving project development, the RPS has helped to establish a stable, reliable market for clean energy resources. This should continue. Moreover, since this rulemaking has been undertaken in response to legislation increasing the annual RPS compliance requirements and given the urgency of climate change and the imperative that Massachusetts transition away from GHG-emitting generation as quickly as possible, DOER should be exploring ways to increase the stringency of the RPS to bolster the deployment of non-emitting resources, rather than facilitating the deployment of technologies that further burden public health and undermine climate gains. Toward that end, we respectfully request that changes proposed that will weaken the RPS, as discussed in this letter, be withdrawn.

Thank you for your time and consideration.

Sincerely,

Town of Cummington Planning Board  
Town of Gill Selectboard  
Town of Pelham Planning Board  
350 Mass for a Better Future  
350 Massachusetts Allston-Brighton  
350ma-berkshires  
Acadia Center  
Arise for Social Justice  
Arlington Mothers Out Front  
Berkshire Environmental Action Team (BEAT)  
Black Earth Compost, LLC  
Boston Catholic Climate Movement  
Buckland, MA Board of Health  
Clean Power & Light, LLC  
Clean Water Action  
Climate Action Brookline

Climate Action Now, Western Mass  
Climate Coalition of Somerville  
Climate XChange  
Cohasset Residents for Climate Action  
Concerned Citizens of Franklin County  
Environment Massachusetts  
Environmental League of Massachusetts  
Fossil Free Somerville  
Franklin Co Continuing the Political Revolution  
Friends of the Earth US  
Greater Boston Physicians for Social  
Responsibility  
Green Energy Consumers Alliance  
Green Newton  
Greenfield Community Acupuncture  
Greening Greenfield

Greenenvironment, LLC  
Health Care Without Harm  
HealthLink  
Jewish Climate Action Network - MA  
John Muir Project of Earth Island Institute  
Last Tree Laws  
League of Women Voters of Massachusetts  
Longmeadow Pipeline Awareness Group  
Mass Audubon  
Mass Forest Rescue Campaign  
Massachusetts Climate Action Network  
Massachusetts Forest Rescue  
Massachusetts Interfaith Power & Light  
Massachusetts PipeLine Awareness Network  
Massachusetts Rivers Alliance  
Massachusetts Sierra Club  
Metropolitan Area Planning Council  
Mothers Out Front  
Mothers Out Front Somerville  
Nashoba Conservation Trust  
Food & Water Watch  
No Fracked Gas in Mass  
No Norfolk, MA Gas Pipeline  
No Sharon Gas Pipeline | Clean Energy Now  
North American Climate, Conservation and Environment(NACCE)

North Parish UU Climate Justice, North Andover  
North Quabbin Energy  
Partnership for Policy Integrity  
Quincy Climate Action Network  
RESTORE: The North Woods  
South Coast Neighbors United  
Springfield Climate Justice Coalition  
Springfield Community-Based Doulas  
StopNED  
Sustainable Middleborough  
Sustainable Sharon Coalition  
Sustainable Stow  
Sustainable Wellesley  
The Enviro Show  
The Rachel Carson Council  
The Trustees  
Toxics Action Center  
Union of Concerned Scientists  
Unitarian Universalist Mass Action  
Watertown Citizens for Peace, Justice and the Environment  
Watertown Rethinks Consumption  
Wendell State Forest Alliance  
Williamstown COOL (CO2 Lowering) Committee  
Woods Hole Research Center

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