



100 Middle Street  
PO Box 9729  
Portland, ME 04104-5029

Robert E. Cleaves IV  
207 228-7376 direct  
207 774-1127 facsimile  
207 671-0152 mobile  
bob@biomasspowerassociation.org

Commissioner Judith Judson  
Massachusetts Department of Energy Resources  
100 Cambridge St.  
Boston, MA 02114

**RE: Ex. Order 562 Comments: Maintaining the Eligibility of Biomass for the RPS**

Dear Commissioner Judson:

On behalf of the Massachusetts Biomass Power Coalition,<sup>1</sup> I am pleased to submit the following comments to the Department of Energy Resources (DOER) in the context of your review of regulations pursuant to Executive Order 562. The Coalition is made up of companies that own and operate biomass power plants in New England. These power plants have an installed capacity of more than 200 MWs and have been delivering RPS-qualifying electricity to Massachusetts since the inception of the RPS program.

Pursuant to the review now being conducted under Executive Order 562, **the Coalition urges DOER to revise 225 CMR 14.05 (1) (a) 7 (f) (ii) by deleting clause (ii), hereafter referred to as the "fuel conversion efficiency standard."**

In a summary of revisions to the RPS regulations (issued in April of 2012), DOER indicated the purpose of the fuel conversion efficiency standard was to "...further increase the energy utilization of our limited sustainable biomass resource." Extracting the highest possible amount of energy from a given unit of fuel is a laudable goal.

However, the efficiency requirement is not a necessary or effective means to achieve that objective, for several reasons:

- First, the RPS regulations already prevent overuse of the "limited" woody biomass resource by narrowly defining "Eligible Biomass Woody Fuel," limiting it to forestry residues and by-products.
- Second, power plant developers and operators already have powerful economic incentives to extract the maximum amount of electrical energy from every unit of fuel they consume. The efficiency standard will not increase those incentives. Rather, it will foster the use of other, non-renewable fuels to produce electricity.
- Third, existing biomass plants cannot reengineer their plants to convert fuel to electricity more efficiently than they already do. For many practical reasons, an existing electric-only plant cannot be converted to operate as a combined heat and power plant.
- Finally, for both economic and operational reasons, no new CHP plants using biomass as a fuel will be built in New England. That is the only way the required levels of fuel conversion efficiency could be achieved. Therefore, the standard will not prompt technological innovation; rather, it will stifle the use of a legitimate renewable fuel.

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<sup>1</sup> Coalition members include the Biomass Power Association, Covanta, ReEnergy Holdings, GDF Suez, N.A., Burlington Electric Light Department, EWP Renewable Corporation and Eversource.

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In the attached document, we elaborate on these reasons in detail. We also argue that the efficiency standard would reduce the diversity of fuels eligible for compliance with the RPS, thereby making compliance more difficult and expensive for retail electricity suppliers. Finally, we point out that the efficiency standard is inconsistent with scientific findings and federal regulations related to biomass recently promulgated by the U.S. EPA in its Clean Power Plan.

We would be happy to answer any questions and look forward to working with you to accomplish this urgently needed change in regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Cleaves". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert Cleaves  
President  
Biomass Power Association, and on behalf of the  
Massachusetts Biomass Power Coalition