

CommonWealth

Resource Management Corporation

and

Coalition of Massachusetts Anaerobic Digestion Facilities

Supporting 24 Landfill gas-to-energy and AD biogas-to-energy plants operating in Massachusetts.

Fact Sheet

**eRINs Amendment's to the EPA's eRINs Regulation/Renewable Fuel Standard
Presented to Office Management and Budget
13 June 2023**

CommonWealth New Bedford Energy LLC (CNBE), a wholly owned subsidiary of CommonWealth Resource Management Corporation, is the owner and operator of the Greater New Bedford Landfill Gas Utilization Project (a 3.3-megawatt Renewable Biogas-to-Electricity Facility) located in Dartmouth Massachusetts.

On January 9, 2015, CNBE, through Drive Green LLC, applied for registration as a Renewable Fuel Producer in accordance with 40 CFR Section 80.1426. Yet over the last 8+ years, no action by the EPA has been taken on this registration.

The existing regulations that govern the eRINs pathway under the RFS were issued in 2014 and comply with both the Clean Air Act and the Energy Independence Security Act of 2007. Under 40 CFR Section 80.1426, Table 1 specifically defines eligible pathways including **Renewable Electricity** from biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters, and biogas from the cellulosic components of biomass processed in other waste digesters, and further defines the resulting RIN as D3. Congress has repeatedly endorsed the authority of the EPA to pursue eRINs under the RFS.

The proposed amendments under “Renewable Fuel Standard (‘RFS’) Program: Standards for 2023-2025 and Other Changes” (‘eRINs’ and ‘eRIN Amendments’) clarify and define the market mechanics that will allow the EPA to implement the existing eRINs regulations under the Renewable Fuel Standard (RFS) and act on pending registrations, such as ours.

CNBE is concerned that the eRINs provisions may not be included in the final rule now pending interagency review and urges the Biden Administration to reconsider that decision and include eRINs in the rule before it is finalized this month.

It is critical that the EPA follows its statutory obligation to allow for electricity sourced from renewable biomass and used as transportation fuel and qualified as renewable fuel under the Renewable Fuel Standard (RFS) to generate renewable identification numbers (eRINs).

The timely launch of the eRIN program in 2024 is vital to support existing facilities, encourage investments in new facilities, and reduce greenhouse gas emissions from the energy and transportation sectors.

In addition to owning the CNBE facility, CommonWealth Resource Management Corporation (CRMC) represents the Coalition of Massachusetts Anaerobic Digestion Facilities whose

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members own and operate 8 landfill gas-to-energy facilities and 16 AD biogas-to-energy facilities in Massachusetts, detailed in the Appendix.

These 24 projects comprise the extent of biogas-to-electricity facilities operating in Massachusetts and are an important part of the state's environmental infrastructure, which destroy methane (a greenhouse gas) generated from digestion of organic wastes or collected from landfills. The projects together generate 32 MW of low-cost, continuous, reliable renewable electricity. The projects together are projected to generate 252,000 megawatt-hours (MWhr) of renewable electricity during 2023 by combusting 62,500 metric tons of methane biogas from landfills and digesters, which is equivalent to 1.75 million metric tons of CO₂equivalents.

The Coalition was founded in July 2021 as a direct response to state-level changes to the Massachusetts Renewable Portfolio Standard that put at risk the economic viability of all 24 Massachusetts projects. Our Coalition's projects – like others across the United States – are facing reduced revenues and increased expenses. Reduced revenues have resulted from recent reductions in the value of renewable energy credits in New England and sustained low wholesale power prices. Increased expenses have resulted from recent escalation in costs due to inflation, significant supply chain issues, and more expensive labor.

Over the last 10 years, thirteen (13) biogas-to-electricity projects have been shut down permanently in Massachusetts because they were no longer economically viable. These projects that had previously the capacity of 23 MW, detailed in the Appendix.

The Coalition continues to advocate for needed economic incentives for these projects – including, critically, the EPA's RFS eRINs program – to help secure the economic viability and expansion of these existing projects and drive investment into new projects.

eRINs are particularly important to encourage investment in smaller biogas-to-electricity projects or ones with more challenging conventional economics.

While some existing biogas-to-electricity facilities and new investments, in the absence of eRINs, could convert to or focus on renewable natural gas (RNG) to generate economics from D3 RINs, there are several challenges to that pathway, including higher capital costs versus biogas-to-electricity projects and the need to be proximate to natural gas infrastructure.

eRINs help to level the playing field and incentivize the economically optimal means of capturing greenhouse gases from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters that would otherwise be emitted into the atmosphere, regardless of whether the captured biogas is used to produce electricity or renewable natural gas.

Moreover, biogas-to-electricity facilities at landfills collect more of the generated landfill gas than RNG projects. RNG's lower collection of landfill gas, and hence greater volume of methane and other pollutants emitted to the atmosphere, is a result of the technological requirement to minimize ambient air infiltration into the landfill. Therefore, a shift of existing projects or new investments away from biogas-to-electricity towards RNG will increase air pollutant emissions including greenhouse gas emissions from landfills to the atmosphere.

EPA has long recognized the many environmental and economic benefits associated with eRINs, including critical reductions in greenhouse gas emissions. This long-awaited opportunity

is timelier than ever. eRINs are complementary to other federal policies that encourage the production of renewable fuels and eRINs will directly support the electrification of the U.S. vehicle fleet.

The consequences of not finalizing eRINs include more greenhouse gas emissions, less low-cost renewable electricity, less reliability, less renewable energy diversity, less environmental protection, more reliance on fossil fuel electricity, and lower demand for electric vehicles.

eRINs will provide an additional revenue stream to assure continued economic viability for our 24 existing Massachusetts projects if implemented by January 2024. We therefore urge the U.S. Environmental Protection Agency to include eRINs in the upcoming final Renewable Fuel Standard Program: Standards for 2023-2025 Standards and Other Changes rule now pending interagency review.

We would be pleased to provide more information to the OMB.
Thank you.

Best regards,

A handwritten signature in black ink, appearing to read 'Thomas Yeransian', with a stylized flourish extending to the right.

Thomas Yeransian
Principal of CommonWealth Resource Management Corporation
Owner of CommonWealth New Bedford Energy LLC and
Representative of Coalition of Massachusetts Anaerobic Digestion Facilities

Appendix: Existing and Shut Landfill Gas-to-Energy Projects in MA

Coalition of Massachusetts Anaerobic Digestion Facilities						
Supporting 24 Landfill gas-to-energy and AD biogas-to-energy plants operating in Massachusetts						
				Constructed Capacity, MW in 2021	Operating Rate in MW 2023	Projected in 2023 MW/hr
LANDFILL GAS-TO-ENERGY PROJECTS OPERATING IN MA						
<u>Owner</u>	<u>Location</u>	<u>Type</u>				
1 Fortistar	Taunton	Public Landfill		1.9	1.2	9,444
2 CNBE	Dartmouth	Public Landfill/Non-farm		3.3	2.4	18,922
3 Lorusso	Plainville	Landfill		1.6	0.9	6,746
4 Fortistar	Fall River	Landfill		5.0	1.9	14,841
5 Casella	Southbridge	Public Landfill		1.6	1.3	10,119
6 WMI	Fitchburg	Public Landfill		4.8	4.8	37,843
7 Ameresco	Chicopee	Landfill		5.6	2.6	20,237
8 IPS	Granby	Landfill		3.2	0.9	6,746
Total				27	16	124,897
AD BIOGAS-TO-ENERGY PROJECT OPERATING IN MA						
1 Ahold (Stop & Shop)	Freetown	Non-farm (food waste)		1.14	1.14	8,964
2 CRMC Bioenergy LLC	Dartmouth	Non-farm with CNBE LFGTE				
3 GLSD	N. Andover	Non-farm (biosolid/food waste)		3.2	3.20	25,229
4 MWRA	Winthrop (Boston)	Non-farm (biosolids)		3.3	3.30	26,017
5 Vanguard	Haverhill AD 1 LLC	Farm		1.0	1.00	7,884
6 Vanguard	Hadley (Barstow Farm 1)	Farm		0.3	0.30	2,365
7 Vanguard	Hadley (Barstow Farm 2)	Farm		0.5	0.50	3,942
8 Vanguard	Spencer AD 1, LLC-Jordon	Farm		1.0	1.00	7,884
9 Ken's Foods	Marlboro	Non-farm (food waste)		1.2	1.20	9,461
10 Vanguard	Rutland (Jordan Farms)	Farm		0.8	0.80	6,307
11 AG-Grid	Grandville (Rockwood Farms)	Farm		0.45	0.45	3,548
12 AG-Grid	Hatfield (Beldon Farm)	Farm		0.35	0.35	2,759
13 Vanguard	Sutton AD 1 LLC	Farm		0.999	0.999	7,876
14 Vanguard	Deerfield	Farm		1.0	1.00	7,884
15 Pine Island Farm	Sheffield	Farm		0.225	0.225	1,774
16 Great Falls Aquaculture	Montague (Turner Falls)	Farm (In development)			0.6	
Total				15.5	16.1	121,895

LANDFILL GAS-TO-ENERGY PROJECTS SHUT DOWN IN MA OVER LAST 10 YEARS			
			Previous capacity, MW
Owner	Location	Type	
1 Fortistar	E. Bridgewater	Landfill	6.3
2 Fortistar	Halifax	Landfill	1.8
3 Fortistar	Randolph	Landfill	2.7
4 ALI	Attleboro	Landfill	1.6
5 MM Lowell Energy LLC	Lowell	Public Landfill	1.6
6 MM Lowell Energy LLC	Lowell repower	Public Landfill	0.45
7 Quarry Hill Associates	Quincy	Public Landfill	0.6
8 Covanta	Haverhill	Landfill	1.6
9 Barre Energy Partners	Barre	Landfill	1.0
10 Seaman Energy LLC	Gardner	Public Landfill	1.6
11 BFI	Chicopee BFI	Landfill	2.7
12 Westfield Utility	Westfield	Landfill	0.2
13 Ameresco	North Hampton	Landfill	0.8
			23.0