

111 Organizations Sign Letter Urging EPA to Process RIN Applications for Electricity Generated Using Biomass and Biogas Fuel

EPA Has Failed to Recognize Biomass-based Electricity Under the RFS Since Congress Granted Approval in 2007

Washington, DC – September 6, 2018 – This morning, 111 organizations sent a letter to the Environmental Protection Agency Acting Administrator Andrew Wheeler urging the immediate inclusion of renewable electricity in the Renewable Fuel Standard (RFS). In 2007, Congress approved the participation in the RFS of electricity produced using renewable feedstocks as fuel, including certain types of biomass, biogas and the biogenic portion of municipal solid waste. Despite this approval and EPA's approval of renewable electricity in 2014, EPA has yet to register facilities and recognize RINs for electricity producers, also known as "eRINs."

"It's well beyond time to process applications submitted by biomass power producers and allow them to participate in the RFS program," said Bob Cleaves, president and CEO of Biomass Power Association. "There is no good reason to deny the ability of biomass and waste-to-energy to produce RINs – particularly when Congress has already given its explicit approval. Biomass power and waste-to-energy provide value and essential services to rural communities, shoring up forestry and agriculture-based economies and aiding in forest fire prevention and the avoidance of landfill use. Biomass and waste-to-energy must be allowed to finally participate in the RFS, and we look forward to working with the EPA to establish pathways for our members."

"EPA's inaction on this issue has halted construction and further investments in new biogas systems that are ready to use this approved pathway," said Patrick Serfass, Executive Director of the American Biogas Council. "It's time for EPA to take action and the steps necessary to approve the renewable electricity pathway. Once that happens, we will all be able to benefit from increased economic activity to build biogas systems which displace fossil fuels, produce soil amendments and protect our environment."

"EPA has the opportunity to provide critical assistance to resilient municipal infrastructure that is currently challenged by market conditions and policy oversights by establishing a program to recognize eRINs," said Ted Michaels, President of the Energy Recovery Council.

Many of the organizations signing the letter have submitted applications to participate in the RFS program to the agency and await EPA action. When these organizations are permitted to participate in the program, they will be classified in the cellulosic fuel (D3) category, where the EPA has fallen far short of its targets. Allowing biomass, biogas and waste-to-energy to register would expand the availability of cellulosic fuels by about 170 million gallons per year.

The text of the letter and a list of signatories follow.

For more information, please contact Carrie Annand at Biomass Power Association at carrie@usabiomass.org, Patrick Serfass at American Biogas Council at pserfass@ttcorp.com or Ted Michaels at Energy Recovery Council at tmichaels@energyrecoverycouncil.org.

LETTER TO ACTING ADMINISTRATOR WHEELER FROM 111 ORGANIZATIONS

September 6, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Acting Administrator Wheeler:

The undersigned companies and organizations, together with the thousands of hardworking men and women and the communities that comprise the renewable biomass and biogas energy sector, ask for your support in resolving regulatory gridlock on an issue that has been pending before the EPA since passage of the amendments to the Renewable Fuel Standard in 2007. Some of us generate power using methane from landfills, digesters and waste treatment plants; others utilize forest residues and other biogenic fuels, including the biogenic portion of municipal solid waste (MSW), that are combusted to make renewable electricity. By whatever mechanism biomass and biogas electricity is produced, when our energy is used as transportation fuel, it

qualifies as an RFS fuel, and we are entitled, by law, to participate in the RFS program.

EPA now faces a four-year backlog of applications from power producers seeking registration as RIN producers for biogas-based electricity, with more requests on the way following positive findings by the Agency that power produced using certain solid forms of biomass now qualifies under the RFS. We have been informed that, until the Agency resolves a number of policy issues regarding how the RFS “electric pathway” program will function, these applications will not be acted upon. This has completely blocked participation in the RFS electric pathway by any existing or future applicants.

We urge that all outstanding registration requests be addressed in the short term and that the EPA come to a final conclusion on regulatory structure for the electric RIN pathway. Regulatory inaction regarding eRINs has had the de facto effect of picking “winners and losers.” The biomass, municipal solid waste, and biogas electricity sectors represented by the signatories of this letter deliver important baseload power, providing grid reliability while promoting well-paying jobs in rural areas and in other communities. Our facilities are largely based in or owned by communities left behind by federal policies favoring other technologies at our expense. We resolutely request your assistance in resolving these outstanding issues, which will enable us to participate in the very benefits that Congress extended almost eleven years ago.

Sincerely,

1. Biomass Power Association
2. American Biogas Council
3. Energy Recovery Council
4. Business Council for Sustainable Energy
5. EESI
6. Covanta
7. Diamond Scientific
8. Regenix
9. Ag Methane Advisors, LLC
10. Des Moines Metro WRA
11. Brightmark Energy
12. Biogas Researchers, Inc.
13. Organic Waste Systems, Inc.
14. Montrose Environmental
15. SCORE, LLC
16. Bioresource Development, LLC
17. BioGas Corp.
18. AB Energy USA, LLC
19. Paques, Inc.
20. Energy Systems Group
21. HV Consulting Company
22. MTU America dba MTU Onsite Energy / Rolls-Royce Power Systems
23. Agrilectric Power Partners
24. IHI Power Services Corp.
25. Rio Bravo Fresno
26. Rio Bravo Rocklin
27. Pacific Ultrapower Chinese Station
28. Evergreen Biopower LLC
29. EWP Renewable Corp.
30. Lokey Carbon Concepts, LLC
31. BioWorks Energy, LLC
32. Aurora Ridge Dairy
33. Re4ormed Organics
34. StormFisher
35. Wadham Energy LP
36. Sievers Family Farms
37. AgriReNew
38. Michigan Biomass
39. Planet Found Energy Development
40. Biomass One
41. NovoPower
42. ES Engineering
43. QED Environmental
44. PlanET Biogas USA, Inc.
45. Greenleaf Power
46. Chaput Family Farms

47. ReEnergy Holdings Inc.
48. Waste Management
49. Vanguard Renewables
50. SCS Energy
51. Beckley Sanitary Board
52. Kent County Department of Public Works
53. York County Solid Waste and Refuse Authority
54. Engie
55. Gainesville Regional Utilities
56. Mulch Master
57. Enpower Corp.
58. Koda Energy LLC
59. CH4 Biogas
60. Power & Energy Systems
61. OHR Energy
62. Biomass One, LP
63. National Public Energy, Inc.
64. White City Holdings, LLC
65. Snowden Electric Company
66. Unison Solutions, Inc.
67. BTR Energy, Benefit LLC
68. Biomass Magazine
69. Green Valley Recycling
70. Keystone Engineering Solutions, Inc.
71. Energy Resources Group, Inc.
72. Green Era Sustainability
73. Loyaltan Cogen LLC
74. Cortus Energy North America Inc.
75. Eisenmann Corporation
76. Richt-a-Way Ag Services
77. Richt-A-Way Construction Inc.
78. National Milk Producers Federation
79. 2G Energy Inc.
80. Ameresco
81. Atlantic Power
82. The Stella Group
83. Newtrient LLC
84. DVO, Inc.
85. Outagamie Clean Energy Project LLC
86. First Environment, Inc.
87. Force Energy Systems, Inc.
88. Montrose Environmental Group
89. Ortega Equestrian Center
90. I+A Ingeniería Aplicada
91. RENEW Wisconsin
92. Generate Capital
93. Phase 3 Renewables
94. Veolia North America
95. EVENSOL LLC
96. Hydrus USA, Inc.
97. Dairy Farmers of America
98. Westec Industries LLC
99. Granite Shore Power
100. ReCon Associates, LLC
101. U.S. EcoGen, LLC
102. California Rice Commission
103. GHG Engineering LLC
104. Desert View Power
105. HL Power
106. Plainfield Renewable Energy
107. Bluebridge Cooperative
108. Lancaster County Solid Waste Management Authority
109. Genesis Industrial Group
110. Deerhaven Renewable
111. California Biomass Energy Alliance

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