

***Anti-Biomass Incineration and Forest Protection Campaign*
Biomass Accountability Project*Energy Justice Network*Stop Spewing Carbon Campaign**

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September 13, 2010

Lisa Jackson, Administrator
U.S. EPA
1200 Pennsylvania Avenue NW
Washington DC 20460

Re: Call for Information, EPA Docket OAR-2010-0560

Dear Ms. Jackson:

Please accept these comments on the “Call for Information: Information on Greenhouse Gas Emissions Associated with Bioenergy and Other Biogenic Sources,” 75 Fed. Reg. 41173, corrected by 75 Fed. Reg. 45112, on behalf of the Biomass Accountability Project, the Anti-Biomass Incineration and Forest Protection Campaign, Energy Justice Network and the Stop Spewing Carbon Campaign.

EPA’s call for information is categorized into, but not limited to 7 topics. These comments relate to all 7 topics, and are organized generally according to topic, though there is overlap.

Integral to these comments are the exhibits submitted herewith, listed on Attachment 1, and incorporated by reference herein. These comments draw upon the work of community activists, the environmental justice community, scientists, lawyers and medical professionals who have been working to prevent the climate and public health disaster presented by biomass combustion power plants. These incinerators in disguise are being built with federal taxpayer dollars and are subsidized by the American people as “clean and green” energy, when in fact, they are toxic incinerators, as shown by our documentation.

The biomass industry has capitalized upon the “carbon neutral” myth to secure a place in the renewable portfolio standards of state energy laws and continues to lobby to expand the definition of biomass to include a wide variety of fuels, including tires. Biomass incinerators that make electricity emit more carbon dioxide per megawatt of energy than burning coal. There is no scientific basis for exempting these incinerators from the Clean Air Act Tailoring Rule.

We note that EPA characterizes this issue as “broad and complex.” 75 Fed. Reg. 41174. In reality, the issue is a simple one: burning “biomass” - garbage, trees, etc. - emits greenhouse gases to the air. GHG are “subject to regulation” under Massachusetts v. EPA, and a carbon dioxide molecule from burning a tree or a piece of garbage has the same impact on the atmosphere as a molecule from burning fossil fuels. Industry is trying, with some success, to create distinctions without a difference between CO₂ molecules from burning “biomass” (including garbage) and burning fossil fuels. The atmosphere doesn’t care where the CO₂ came from; the GHG still has the same impact. By buying into industry confabulation about “biogenic” emissions EPA is walking down a dangerous path, one that has the potential to set up a regulatory nightmare. Industry essentially would like EPA to regulate based on the “lifecycle” or source of different types of biomass: if it’s a whole tree it has one lifecycle, a piece of garbage, another, sewage sludge yet another – and on and on.

1. Biomass under PSD/BACT.

EPA seeks information about what criteria might be used to consider biomass fuels and the emissions resulting from their combustion differently under PSD and with regard to the BACT review process under PSD. It is our view that biomass fuels and the emissions from their combustion should not be treated differently in the BACT review process under PSD. When biomass combustion emits pollutants subject to regulation under the Clean Air Act, these pollutants are subject to regulation, regardless of what was burned to create the emissions.

The impacts of GHG emissions from bioenergy and “biogenic” sources on air quality, the environment, and human health are the same as the impacts of GHG emissions from burning any other material. A CO₂ molecule, or molecule of nitrous oxide or methane,¹ or other GHG emitted by bioenergy or “biogenic sources” will cause human diseases and death, dirtier air, and contribute to climate change just like molecules of GHG from other sources.

The biomass industry argues that its CO₂ emissions are “part of the carbon cycle” or “will be reabsorbed as the trees grow back” or will be “carbon neutral in 10, 20 or 30 years.” This does not mean that the CO₂ emitted by biomass incinerators won’t have a climate change or air pollution impact in the meantime, or that this CO₂ is not a “pollutant” subject to regulation under Massachusetts v. EPA.

Exhibits 1 and 2 are reports on how the “carbon neutral” falsehood has become the fundamental premise for the gold rush of incinerators being promoted as “clean and green”. Industry Blowing Smoke; Stop Trashing the Climate (weblink: www.stoptrashingthecclimate.org) The air pollution from the stationary sources that burn

¹ The industry argument that wood biomass should be removed from the forest and incinerated for electricity because otherwise it would decompose and create methane is scientifically unsupportable. This industry argument has been debunked by others and those arguments will not be repeated here.

“biomass” and other fuels that are described in these reports has the same impact on air pollution than other stationary source and must be regulated just like other pollutants from other stationary sources.

Biomass combustion power plants, including “waste to energy” (i.e. garbage burners) seek to be exempt from GHG regulation under the Clean Air Act using the “carbon neutrality” falsehood. An extreme example is one where a wood burning plant reports that burning wood will have a net NEGATIVE impact on climate change. See, Environmental Notification Form for the Pioneer Renewable Energy incinerator in Greenfield, Massachusetts, where Epsilon Associations reports that the impact of this 47 megawatt wood burning biomass energy facility on CO2 emissions will be a NEGATIVE 347,453 tons per year, and that the net impact of the CO2 emissions from wood burning as zero. **Exhibit 3**, page E-10, Table 6-1. See also, material from website of Biomass Gas and Electric Company describing biomass combustion as “carbon neutral,” **Exhibit 4**. These assertions are patently false and unsupported by science.

The actual CO2 and other emissions from biomass power plants have been compiled from industry permit applications into an emissions chart. **Exhibit 5**. Reports from the *Manomet Center for Conservation Sciences* and *Environmental Working Group* show that burning biomass is not carbon neutral in any time frame that is meaningful to climate change.

Not one biomass combustion power plant has provided scientific proof or data to support the assertion that the greenhouse gas emissions, particularly CO2, do not have the same impact on the atmosphere as CO2 from fossil fuel or other stationary sources of GHG emissions.

Therefore, there is no scientific ground for treating biomass combustion emissions differently from other sources of emissions under the BACT review process of the PSD program.

2. National scale carbon neutrality in the IPCC Guidelines

EPA seeks information on national scale carbon neutrality in the IPCC guidelines and to what extent this approach suggests that biomass consumption for energy is neutral.

The IPCC does not suggest that biomass consumption is carbon neutral, but instead says that the CO2 emissions from biomass combustion have to be counted in the land use or energy use sector. EPA has a longstanding, unsupportable practice of ignoring the CO2 emissions from both the land use and the energy sector when it comes to biomass combustion emissions. EPA’s failure to count CO2 emissions from biomass combustion power plants is unsupported by scientific data and was exposed by EcoLaw in 2009 in a FOIA request. **Exhibit 24**. EPA’s fatal accounting flaw was documented in the Searchinger et al. October 2009 *Science* article that EPA is making available as part of the record in this proceeding.

EPA’s continued flouting of the U.S. Supreme Court ruling in Massachusetts v. EPA by ignoring greenhouse gas emissions from biomass energy production, based on EPA’s error in interpreting the IPCC guidelines is unlawful and unsupported by scientific

data. Similarly, exempting CO₂ emissions generated by burning “biomass” from the Tailoring Rule in the Clean Air Act and PSC/BACT is unlawful.

3. Smaller scale accounting approaches

EPA states it is interested in “understanding the strengths and limitations of applying the national scale IPCC approach to assess the net impact ...of GHG from specified biogenic sources, facilities, fuels, or practices.” 75 Fed. Reg. 41176. This issue of “national scale” is not relevant to the BACT and PSD program. Regardless of how the IPCC approach is applied, greenhouse gas emissions from bioenergy are subject to Clean Air Act regulation under the PSD and other programs. As stated above, there is no scientific basis for treating GHG emissions from “biomass” energy (burning trash, trees, etc.) any differently from GHG emissions from other stationary sources. No bioenergy plant has provided supportable scientific data that its GHG emissions do not cause pollution as define by the Clean Air Act.

Moreover, the IPCC Guidelines are fatally flawed when it comes to “biomass” consisting of MSW, animal wastes, etc. “Biomass” is defined under state and federal laws to include everything from garbage to burning poultry litter. See, e.g. <http://www.energyjustice.net/biomass/burning>. When it comes to addressing specific “biogenic” sources such as garbage, poultry litter, and sewage sludge² the “land use change” analysis under the IPCC guidelines has no bearing.

The IPCC guidelines do not appear to address biomass combustion that uses sources such as poultry litter, yet industry promoters rely on the “carbon neutrality” to promote these incinerators as green energy. Fibrowatt is a company that has poultry litter incinerators and promotes them as clean and green “carbon neutral” biomass. Poultry waste incinerators have been proposed as “green energy” in North Carolina, Georgia and Page County Virginia.³ In Virginia, Fibrowatt, in promoting the incinerator used the “carbon cycle” “biogenic” argument to compare the burning of chicken excrement to solar power.⁴ However, citizens exposed the carbon neutral myth and the Virginia and Georgia proposals were rejected and withdrawn by Fibrowatt in a matter of weeks.

A typical “biomass” poultry waste incinerator is Fibrothetford, a 38.5 MW incinerator that generates electricity and emits carbon dioxide emissions in 2003 of 391 kilotons (391,000 tons).⁵

² See, Wiregrass LLC air permit application, Valdosta, Georgia: biomass plant proposes to burn sewage sludge, wood; See, Fibrowatt proposals to burn poultry litter (below).

³ <http://pagecountycitizens.wordpress.com/2010/03/17/fibrowatt-quietly-they-came-into-page-county-quietly-we-would-like-you-to-leave>; See <http://www.energyjustice.net/fibrowatch/>, <http://www.stopfibrowatt.com>, and

⁴ <http://pagecountycitizens.wordpress.com/2010/03/07/video-gem-fibrowatt-environmental-benefits-were-solar>

⁵ <http://www.energyjustice.net/sites/default/files/fibrowatch/UKemissions.xls>; Data from newer years available in the links in the second worksheet of that Excel file. FibroThetford data available at

As the Fibrowatt/Page County, Virginia examples show, IPCC Guidelines are wholly inadequate when it comes to accounting for emissions from burning biomass such as MSW, poultry litter, landfill gas and the like. With these types of biomass, the CO₂ is counted neither in the LUCF nor Energy sector – yet, these incinerators rely on the “carbon neutral” myth to escape regulation and to qualify for federal and state tax credits, subsidies and ratepayer subsidies as “green” carbon neutral energy. The only common sense, and legally enforceable and defensible regulatory approach to burning all types of biomass is to call CO₂ what it is - CO₂ – regardless of what material was burned to generate the CO₂. Particularly when it comes to burning biomass such as poultry waste or landfill gas, the “biogenic” red herring industry argument is patently unlawful.

3. Alternative Accounting Approaches

EPA does not need an alternative accounting approach; it only needs to do the simple calculation of the quantity of greenhouse gases coming out the smokestack of bioenergy stationary sources, and regulate these GHG. The bioenergy industry cannot, and has not, proven, that its “biogenic” carbon is not a pollutant within the meaning of the Clean Air Act. No bioenergy facility has shown that its greenhouse gas emissions do not have the same impact on the atmosphere as other sources of greenhouse gas emission, particularly in light of the climate crisis and the need to reduce GHG emissions now. Therefore, bioenergy greenhouse gases are subject to regulation.

Further, EPA’s current “Inventory of US Greenhouse Gas Emissions and Sinks (the Inventory)” is unlawful and fails to properly account for biomass emissions. The Call for Information states that the Inventory “is an impartial, policy-neutral report that tracks annual GHG emissions including CO₂...” 75 Fed. Reg. 41175. In fact, this report is biased and contains misinformation. Several organizations have filed a formal request that EPA correct the Inventory. **Exhibit 14**, Letter to EPA from Center for Biological Diversity and others, dated April 14, 2010 on Inventory of Greenhouse Gas Emissions and Sinks; and **Exhibit 15**, July 28, 2010, “REQUEST FOR CORRECTION OF INFORMATION DISSEMINATED BY THE ENVIRONMENTAL PROTECTION AGENCY REGARDING EMISSIONS FROM BIOMASS COMBUSTION IN THE INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS.”

4. Comparison with fossil fuels

Bioenergy is promoted as an alternative to fossil fuels, and put on the same regulatory platform under energy programs as wind, solar, geothermal, etc. Biomass combustion power plants are dirtier than coal, and are not entitled to preferential treatment under any regulatory program, particularly the Clean Air Act. See, e.g., Exhibits 5, 5a, 5b, 24.

http://maps.environment-agency.gov.uk/wiyby/wiybyController?topic=pollution&x=585120.0&y=286824.0&scale=4&layerGroups=1&location=IP24%201LX&textonly=off&ep=query&lang=_e&page=2 (the newest years are listed as “EPR Thetford Ltd”)

For purposes of the Clean Air Act, a comparison to any other form of energy is irrelevant: any bioenergy source that emits pollutants as defined by law, in quantities that meet or exceed regulatory thresholds, is subject to regulation under the Act. Exemptions from the Act based on false premises such as “carbon neutrality” or a false distinction between “biogenic” emissions of carbon and fossil fuel carbon emissions are unlawful and beyond the scope of EPA’s regulatory authority.

5. Comparison among bioenergy sources

EPA seeks information on whether all “biological feedstocks” (corn stover, whole trees, residues) should be treated differently for carbon accounting purposes. The short answer is no: all biomass fuels should be treated equally. See #4 above. EPA is opening a Pandora’s box and creating a regulatory nightmare if it attempts to come up with an accounting method for every type of biomass fuel. The list of potential fuels is endless, and biomass incinerators often use several types of fuels. Over time (operating life of a facility is 30 years), the types and mix of fuel will change. If EPA attempts to come up with accounting methods for each type of “biomass” – including garbage, trees, poultry waste etc. – it will be unnecessarily delaying implementation of greenhouse gas regulations. Further delay will be a violation of Massachusetts v. EPA.

6. Renewable or sustainable feedstocks

There are no valid metrics for measuring the “renewability” or “sustainability” of biomass feedstocks. Wood biomass is simply not “renewable” or “sustainable.” Exhibit 7a, 7b, 8a, 8b. Other types of biomass – garbage, agricultural wastes, and purpose grown crops are not sustainable or renewable. The concept of a “renewable” and “sustainable” garbage supply for biomass incinerators is simply absurd. **Exhibit 1 and 2.**

7. Other biogenic sources of CO2

EPA seeks information on “other biogenic” sources of CO2 that are not used for energy production, such as landfills, manure management, wastewater treatment, livestock respiration, etc. We comment only on landfill gas, and it is our position that it should be treated just like any other stationary source. If it emits GHG at or above the threshold, it is subject to the PSD program. We note that landfill gas is sometimes captured for energy production, and as such it should be regulated under the Clean Air Act just like any other bioenergy project.

8. Economic drivers impacting projected changes in biomass utilization rates and sequestration rates.

The Call for Information seeks information on “economic, technological and land management drivers for projected changes” in both “biomass utilization rates” and “sequestration rates.” 75 Fed. Reg. 41178 Below is an overview of the some of the leading drivers.

A. State Financial Incentives

The state incentives, consisting of innumerable tax credits, loans, and other financial benefits for renewable energy are a key driver for construction and operation of biomass electric power (electricity). Biomass electricity is lumped in to the definition of renewable electricity along with wind, solar, etc. This is a mistake: biomass fuel sources are not “renewable” in any meaningful way (of course we can make more garbage). Nor are they “clean and green.” Incentives for incinerators that burn biomass for electricity are outlined on the Database of State Incentives for Renewables & Efficiency.⁶

B. State “Renewable Portfolio Standards”

“Renewable Portfolio Standards” are a key leading economic driver of bioenergy and of biomass combustion power plants, in particular.

Forty-three states have Renewable Portfolio Standards that define biomass combustion power plants as sources of “renewable” energy, in the same category as wind, solar and other sources that do not have smokestack emissions.⁷ New incinerators are being promoted as green energy; once they are built they will impact future generations by emitting greenhouse gases.

What can be burned as “biomass” to create “renewable energy” is defined differently from state to state. Whatever is burned, the power generator is eligible for lucrative Renewable Energy Credits. The New England Regional Greenhouse Gas Initiative defines it to include “sustainably harvested” trees, agricultural food and feed crop residues, and animal wastes. Manomet Study, page 16.

The greenhouse gas emission impacts of burning wood biomass has led Massachusetts to suspend its Renewable Portfolio Standard for commercial biomass incinerators that make electricity. On July 7, 2010, the Secretary of Environmental Affairs outlined the parameters of proposed regulations that would remove RPS eligibility for electricity on wood burning biomass plants. The criteria that will have to be met for RPS eligibility are outlined in the July 7, 2010 letter to Commission of the Department of Energy Resources from Secretary of Energy and Environmental Affairs. **Exhibit 16** and at www.stopspewingcarbon.org.

C. The Biomass Crop Assistance Program (BCAP) of the Farm Service Agency (US Department of Agriculture)

A leading driver of biomass utilization rates and sequestration rates is USDA BCAP funding. This program is unlawful because USDA failed to comply with NEPA. BCAP funds have been allocated based on the false assumption that biomass burning is

⁶ <http://www.dsireusa.org/summarymaps/index.cfm?ee=0&RE=1>

⁷ <http://www.dsireusa.org/summarytables/rrpre.cfm>

“carbon neutral.” This is clearly erroneous, but nonetheless, this program continues to drive investment in biomass combustion electric power generation.

The programmatic Environmental Impact Statement issued by the Farm Service Agency has been challenged as insufficient, partially on the grounds that it is based on the false premise that burning wood for electricity is “carbon neutral.” **Exhibit 17**, Comments on draft programmatic EIS, dated September 24, 2009, from Natural Resources Defense Council, EcoLaw et al., Green Delaware, Dr. Ellen Moyer, and Native Forest Council; **Exhibit 18**, Comments on the Final Programmatic Environmental Impact Statement from Natural Resources Defense Council, National Sustainable Agriculture Coalition, and Biomass Accountability Project, August 16, 2010.

D. Federal ARRA cash grants for up to 30% of the capital cost of building a biomass incinerator is a leading economic driver

The American Reinvestment and Recovery Act (ARRA) stimulus bill) provides § 1603 cash grants in lieu of tax credits. These grants are being given to biomass incinerators by US Treasury based on the false assumption that biomass incinerators are “carbon neutral”. This is a leading economic driver for these plants, as stated explicitly by the industry in public forums and in their promotion materials.

The U.S. Department of Treasury website has a list of "Section 1603: Payments for Specified Energy Property in Lieu of Tax Credits" (these are payments under Section 1603 of ARRA). This includes Simpson Tacoma Kraft Company, in Washington state, an open loop biomass plant, as receiving a \$17 million cash grant under ARRA in 2009, and Evergreen Power at \$39 million with no NEPA or other environmental review. **Exhibits 19a, 20a, 20d, 21; see US Treasury website.**

E. Federal production and investment tax credits

Under the IRS rules, biomass incinerators are qualified as renewable energy generating sources, in the same category as wind, solar and non-smokestack technologies. See, e.g. IRC § 45 Tax Credits. This creates unfair incentives for incinerators that burn garbage, trees, poultry waste, etc. They are using American taxpayer money that is intended for “clean and green” energy: this is a fraud on American taxpayers. Exhibit 20a, 20b, 20e. In February 25, 2010 from over 75 grassroots groups seeking an end to tax credits for biomass incinerators. Thousands of groups, representing millions of Americans, oppose tax credits for incinerators disguised as clean energy.

F. DOE Loan Guarantee Program

The U.S. Department of Energy administers a loan guarantee program that provides preferential loans for biomass electricity that is generated by burning trees, garbage and other materials. The criteria for obtaining a loan requires assessment of the “measurable extent [to which] the project avoids, reduces or sequesters air pollutants and/or anthropogenic emissions of greenhouse gases, including how to measure and verify those benefits.” See “Loan Guarantees for Projects that Employ Innovative Technologies,” Regulations at 74 Fed. Reg. 63549, 63552 (12/4/2009).

At least one biomass facility (50 MW, Port St. Joe Florida) that proposes to burn trees and wood waste has pre-qualified for a loan guarantee.⁸ Citizens are working to obtain through a FOIA request the data that the company used to support its assertion that it “avoids, reduces or sequesters air pollutants and/or anthropogenic emissions of greenhouse gases,” however DOE has failed to provide a timely FOIA response. Therefore we request the opportunity to supplement this Response to the Call for Information when DOE responds.

9. Biomass energy is a poor job creation vehicle

The bioenergy industry argues that its various schemes – biomass incinerators in particular – will create “green jobs” and stimulate the American economy. This is an economic driver for biomass energy, but is based on falsehoods. First, any purported job creation from the construction and long term operation of biomass combustion energy facilities must be viewed in the context of health care costs from disease and illness that will be caused by biomass incinerator emissions. Over 77,000 doctors nationwide oppose biomass power as a form of electricity production due to its adverse public health impacts. **Exhibits 13a, 13b, 13c, 13d, 13e, 13f.** These health impacts will drive up America’s health care costs.

Second, per taxpayer dollar invested, biomass incinerators are a terrible investment: for a 50 MW plant, it is about \$70 million in taxpayer dollars for 20 permanent jobs – about \$7.5 million per job. **Exhibit 20c, 20d, 20f.** Taxpayer money could be invested in real green jobs, not incinerators.

10. Land management drivers impacting projected changes in biomass utilization rates and sequestration rates.

Burning wood from public and private land is often justified by the timber industry and government agencies on the grounds that it reduces wildfire risks. These arguments ignore important ecological principles and are unsupported by sound science and lack any rational basis. **Exhibit 7b.**

11. Potential impacts on water availability

EPA seeks information on the “potential impacts of GHG emissions from bioenergy and other biogenic sources on other resources such as water availability...” 75 Fed. Reg. 41176.

The impacts of GHG emissions from bioenergy and “biogenic” sources on water availability are the same as the impacts of GHG emissions from other sources on water availability. The GHG impacts on water availability is well documented: due to climate change, we can expect drier rivers and desertification. A CO₂ molecule, or molecule of

⁸ **Exhibit 21a** and <http://solarfusioncorp.blogspot.com/search?updated-max=2010-01-02T07%3A48%3A00-08%3A00&max-results=7>

nitrous oxide or methane,⁹ or other GHGs emitted by bioenergy or “biogenic sources” will cause drier rivers, desertification, and the other water availability impacts just like molecules of GHG from other sources.

Just because the biomass industry argues that its CO₂ emissions are “part of the carbon cycle” or “will be reabsorbed as the trees grow back” or will be “carbon neutral in 10, 20 or 30 years” does not mean that the CO₂ emitted by biomass incinerators won’t have a climate change impact in the meantime. There is no science to support any industry argument that its GHG emissions will not have a potential impact on water availability. While the biomass/bioenergy emissions are in the atmosphere, they are impacting climate change and making water less available.

The typical 50 MW biomass incinerator using water cooling needs 850,000 gallons per day of water; more if it is in a southern state. In New England, about 85% of the water is evaporated into the atmosphere. This impact to water availability, though not caused by GHG emissions from bioenergy, but rather directly from the industry’s water demands, is relevant to considerations of GHG. The issues of water availability and water use for cooling are all intertwined.

12. Solution

EPA seeks recommendations on how to account for greenhouse gas emissions from bioenergy. It is our position that there is no legal or scientific basis for treating “biogenic” carbon emitted to the atmosphere by the bioenergy industry as any different from other industrial. As noted above, for purposes of the Clean Air Act, bioenergy greenhouse gases are pollutants within the meaning of the law. No bioenergy facility has proven that its emissions do not cause or contribute to pollution of the atmosphere. Convoluted arguments about the “carbon cycle” and “biogenic carbon” do not withstand scrutiny. They are based on outdated concepts reinforced by “carbon accounting errors” resulting in an entire industry that is being built upon the false premise of carbon neutrality. Regulatory programs that continue to compound these errors will undermine efforts to address climate change and violate the law.

EPA could consider criteria outlined by Massachusetts for revisions of its Renewable Portfolio Standard as it relates to biomass. The state plans to bring the state RPS in line with the state’s global warming solutions act. Massachusetts has found that, based on the Manomet Study, wood burning biomass incinerators contribute to climate change in the near term and aren’t carbon neutral for at least 40 years – too late when talking about climate crisis. If the same conditions that Massachusetts plans to impose on wood burning plants are imposed on all biomass combustion power plants, and bioenergy plants, this will help ensure that the industry does not contribute to climate change, but is only a partial solution, at best.

⁹ The industry argument that wood biomass should be removed from the forest and incinerated for electricity because otherwise it would decompose and create methane is scientifically unsupportable. This industry argument has been debunked by others and those arguments will not be repeated here.

A regulatory program based on types and lifecycles of various forms of biomass that is incinerated for electricity will without a doubt set up an administrative and paperwork burden, whose ultimate cost will be borne by American taxpayers. Cost aside, the regulatory oversight will be completely impossible to monitor and will result in unknown quantities and types of toxic emissions (GHG and otherwise), which are linked to the types of fuels used.

For example, the proposed air permit issued by Florida for the American Renewable biomass incinerator, requires so-called “best management practices” that purport to provide a method for assessing whether biomass chips processed off site came from “clean” wood. The permit application provides that the biomass will be ground and chipped offsite and transported by truck; the facility can unload 24 truckloads per hour (operating 24 hours per day), will process 600 tons per hour, with a maximum yearly rate of 1,395,030 tons per year. Technical Report, page 12, DEP File No. 0010131-001-AC (PSD-FL-411), Gainesville Renewable Energy Center, 100 MW woody biomass power plant). The paper trail for up to 576 truckloads of wood chips per day (24 truckloads per hour time 24 hours) means 210,240 bills of lading or manifests per year that must be tracked; of course once the biomass is burned, there is no way to ascertain whether the manifest was correct or not as to the source of the biomass. Multiply this for all the proposed and existing woody biomass incinerators. **Exhibit 21b.**

Providing preferential treatment for biomass through an exemption from the Tailoring Rule and which moreover imposes an undue administrative burden on taxpayers, who foot the bill for government oversight, is contrary to the Clean Air Act.

The Gainesville permit provision which purports to control the sourcing of biomass that will be burned has been challenged by local citizens as unenforceable and inadequate to prevent emissions of toxic chemicals including greenhouse gases.¹⁰ This is one example of where, at great personal cost, Americans are challenging biomass incinerators being promoted as green energy and subsidized with tax dollars. Exhibits 22a, 22b, and www.stopspewingcarbon.org

EPA needs to do its job and regulate the smokestack emissions from these stationary sources in the same way it proposes to regulate GHG from other industries. There is no way to hide behind the “carbon neutrality” smokescreen any longer.

Very truly yours,

Margaret Sheehan, Esq.

¹⁰ In re: Gainesville Renewable Energy Center, DOAH Docket 10-7281.
<http://www.doah.state.fl.us/docdoc/2010/007281/10007281PFAH-080910-10272727.PDF>