



National Milk Producers Federation

2107 Wilson Blvd., Suite 600, Arlington, VA 22201 | (703) 243-6111 | www.nmpf.org

Agri-Mark, Inc.
Associated Milk
Producers Inc.
Bongards' Creameries
Cooperative Milk
Producers Association
Cortland Bulk Milk
Producers Cooperative
Dairy Farmers of
America, Inc.
Ellsworth
Cooperative Creamery
FarmFirst Dairy
Cooperative
First District Assoc.
Foremost Farms USA
Land O'Lakes, Inc.
Lone Star Milk
Producers
Maryland & Virginia
Milk Producers
Cooperative Association
Michigan Milk
Producers Association
Mid-West
Dairymen's Company
Mount Joy Farmers
Cooperative Association
Northwest Dairy Assoc.
Oneida-Madison Milk
Producers Cooperative
Association
Prairie Farms Dairy, Inc.
Premier Milk Inc.
Scioto County
Cooperative Milk
Producers' Association
Select Milk
Producers, Inc.
Southeast Milk, Inc.
St. Albans Cooperative
Creamery, Inc.
Swiss Valley Farms
Tillamook County
Creamery Association
United Dairymen
of Arizona
Upstate Niagara
Cooperative, Inc.
Zia Milk
Producers, Inc.

September 1, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

I am writing to you regarding the renewable electricity pathway under the Renewable Fuel Standard (RFS) program. The National Milk Producers Federation, based in Arlington, VA, develops and carries out policies to advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of more than 32,000 dairy producers on Capitol Hill and with government agencies.

Many of our member-owners operate anaerobic digesters, which use manure and other organic wastes to produce baseload electricity. The electricity pathway allows electricity produced on farms and sold to a commercial electrical grid to qualify as a renewable fuel under the RFS. We understand that EPA solicited commentary on the pathway through the issuance of the Renewables Enhancement and Growth Support proposed rulemaking in November 2016.

NMPF is supportive of the electricity pathway. Should EPA approve applications under the pathway to use electricity produced at agricultural anaerobic digesters, dairy farms throughout the U.S. may benefit from the generation of Renewable Identification Numbers in accordance with the RFS. This would make biogas produced with manure significantly more valuable, giving dairy farmers a unique environmental stewardship opportunity. We therefore encourage EPA to act quickly and urgently to implement the electricity pathway.

Thank you for your consideration of these comments. Please do not hesitate to contact us should you wish to discuss this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Mulhern". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James Mulhern
President & CEO
National Milk Producers Federation

EAGLE VALLEY CLEAN ENERGY, LLC

October 11, 2018

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

Dear Acting Administrator Wheeler:

Eagle Valley Clean Energy, LLC owns and operates a 13-MW biomass cogeneration power plant located in Eagle County, Colorado in the heart of the White River National Forest. It operates 24/7 throughout the year and sells all of its power to Holy Cross Energy, an electrical cooperative that services the Vail and Aspen areas of western Colorado. Located in a rural community, Eagle Valley Clean Energy employs, directly or indirectly, some 50 highly skilled workers to operate the plant and log, process and transport biomass fuel to the plant.

Eagle Valley's fuel consists of wood chips, shavings and sawdust, which is primarily sourced from waste material at regional saw mills and a 10-year stewardship contract issued by the Department of Agriculture, US Forest Service. The White River Long Term Stewardship Contract is a long-term contract that extends until 2022, with work orders under the contract continuing until 2025. The Forest Service relies on this contract and our power plant as an essential tool to safely and efficiently dispose of hazardous fuel, including beetle-kill forest material. Our facility is the only one in Colorado that can consistently accept substantial amounts of hazardous fuel, and the arrangement among Eagle Valley Clean Energy, our logger, and the U.S. Forest Service is a model example of public-private cooperation to mitigate wildfire risk in our national forests.

Eleven years ago, Congress agreed that electricity generated from renewable sources should be eligible for incentives under the Renewable Fuel Standard ("RFS") program. Four years ago, EPA approved application of this program to renewable energy sources, such as bioenergy plants. The Agency has since determined that certain solid forms of biomass fuel qualify under the RFS program. However, to date EPA has failed to act on this approval by processing formal applications from a number of renewable electricity producers seeking certification and identification numbers (Renewable Identification Number, or "RIN") under the RFS program. We understand that EPA now faces a four-year backlog of applications from power producers seeking registration, with many more requests expected to follow.

Eagle Valley Clean Energy intends to seek certification under the RFS program. It is essential to our financial well being that this program be extended to our plant, and it is only fair that biomass power plants be entitled to benefit from the RFS program on an equal footing with other generators of renewable energy, such as wind and solar.

We respectfully urge you to act on all outstanding registration requests as expeditiously as possible, and to issue a final conclusion on the regulatory structure for the electric RIN pathway.

Very truly yours,



Dean L. Rostrom



Innovative Biomass-to-Renewable
Energy Solutions

30 Century Hill Drive, Suite 101
Latham, NY 12110

(518) 810-0200
www.reenergyholdings.com

September 20, 2018

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

Dear Acting Administrator Wheeler:

I write today to urge your agency to take action on RFS2 applications filed earlier this year by ReEnergy and other companies in the biomass power sector, as we believe that we meet all eligibility requirements and many of the facilities are financially threatened to the brink of possible closure.

ReEnergy is one of the largest companies in North America that is focused exclusively on the biomass power sector of the renewable energy industry. ReEnergy operates in four states, employs approximately 300 people and owns and operates six biomass-fired energy production facilities with the combined capacity to generate 245 MW of renewable energy.

My letter today focuses on ReEnergy's biomass assets in Maine and an outstanding petition submitted earlier this year to the Agency for one of our Maine plants.

ReEnergy owns and operates four biomass power facilities in rural areas of Maine: ReEnergy Ashland (39 MW); ReEnergy Fort Fairfield (37 MW); ReEnergy Livermore Falls (39 MW); and ReEnergy Stratton (48 MW). These facilities generate base-load renewable electricity for their local communities using residue from forest operations, pellet mills, sawmills and pulp & paper mills. Our facilities in Maine will spend more than \$90 million this year in operating and maintenance costs. We employ approximately 100 Maine residents and support another estimated 700 indirect jobs in rural parts of the state.

Eleven years ago, Congress determined that renewable electricity should be a pathway under the program, and four years ago, EPA also approved an electricity pathway. However, the EPA has yet to act on this approval by processing applications from electricity producers. On May 4, 2018, ReEnergy Stratton LLC of Stratton, Maine submitted a petition application to seek RFS2 certification of renewable electricity produced from biomass, but we are not aware of any progress on the application. Furthermore, electricity was not included in the proposed Renewable Volume Obligation for 2019.

It is our intention to seek certification of all of our biomass power plants. For some of the plants, certification would allow financially vulnerable facilities to remain in operation. As an example, ReEnergy's facility in Fort Fairfield, Maine is likely to close this fall, affecting more than 100 rural jobs in

the northern part of the state, and our analysis indicates that RFS2 certification would allow that facility to continue to operate.

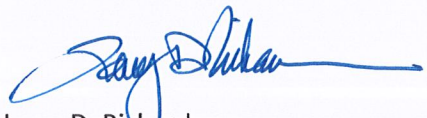
EPA now faces a four-year backlog of applications from power producers seeking registration as RIN producers for biogas-based electricity, with more requests on the way following positive findings by the Agency that power produced using certain solid forms of biomass now qualifies under the RFS. We have 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 stymied participation in the RFS electric pathway by any existing or future applicants.

We urge you to act on all outstanding registration requests in the near term and issue 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 sector delivers important baseload power, providing grid reliability while promoting well-paying jobs in rural areas and in other communities.

It is disruptive and disappointing to be compelled to shut down a well-maintained biomass power facility that is a source of significant economic activity in rural Maine, laying off dozens of workers who will likely have a hard time finding other jobs in the area. It is particularly frustrating that this facility would be able to remain in operation if the EPA had acted affirmatively on our application.

Our facilities in Maine and New York are located in communities largely left behind by federal policies favoring other technologies at our expense. We respectfully request your assistance in resolving these outstanding issues, which will enable us to participate in the very benefits that Congress granted almost eleven years ago.

Respectfully,



Larry D. Richardson
Chief Executive Officer

Cc: The Honorable Susan Collins
The Honorable Angus King
The Honorable Bruce Poliquin



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.

We look forward to working with you to address this matter. If you have any questions, please contact Bob Cleaves at Biomass Power Association at bob@usabiomass.org, Patrick Serfass at American Biogas Council at pserfass@ttcorp.com or Ted Michaels at Energy Recovery Council at tmichaels@energyrecoverycouncil.org.

Sincerely,

1. 25 x 25
2. 2G Energy Inc.
3. AB Energy USA, LLC
4. Ag Methane Advisors, LLC
5. Agrilectric Power Partners
6. AgriReNew
7. Ameresco
8. American Biogas Council
9. Atlantic Power
10. Aurora Ridge Dairy
11. Beckley Sanitary Board
12. Benefit LLC
13. BioGas Corp.
14. Biogas Researchers, Inc.
15. Biomass Magazine
16. Biomass One, LP
17. Biomass Power Association
18. Bioresource Development, LLC
19. BioWorks Energy, LLC
20. Bluebridge Cooperative
21. Brightmark Energy
22. BTR Energy
23. Business Council for Sustainable Energy
24. California Biomass Energy Alliance
25. California Rice Commission
26. CH4 Biogas
27. Chaput Family Farms
28. Cortus Energy North America Inc.
29. Covanta
30. Dairy Farmers of America
31. Deerhaven Renewable
32. Des Moines Metro WRA
33. Desert View Power
34. Diamond Scientific
35. DVO, Inc.
36. EESI
37. Eisenmann Corporation
38. Energy Recovery Council
39. Energy Resources Group, Inc.
40. Energy Systems Group
41. Engie
42. Enpower Corp.

43. ES Engineering
44. EVENSOL LLC
45. Evergreen Biopower LLC
46. EWP Renewable Corp.
47. First Environment, Inc.
48. Force Energy Systems, Inc.
49. Gainesville Regional Utilities
50. Generate Capital
51. Genesis Industrial Group
52. GHG Engineering LLC
53. Granite Shore Power
54. Green Era Sustainability
55. Green Valley Recycling
56. Greenleaf Power
57. HL Power
58. HV Consulting Company
59. Hydrus USA, Inc.
60. I+A Ingeniería Aplicada
61. IHI Power Services Corp.
62. Kent County Department of Public Works
63. Keystone Engineering Solutions, Inc.
64. Koda Energy LLC
65. Lancaster County Solid Waste Management Authority
66. Lokey Carbon Concepts, LLC
67. Loyaltan Cogen LLC
68. Michigan Biomass
69. Montrose Environmental
70. Montrose Environmental Group
71. MTU America dba MTU Onsite Energy / Rolls-Royce Power Systems
72. Mulch Master
73. National Milk Producers Federation
74. National Public Energy, Inc.
75. Newtrient LLC
76. NovoPower
77. OHR Energy
78. Organic Waste Systems, Inc.
79. Ortega Equestrian Center
80. Outagamie Clean Energy Project LLC
81. Pacific Ultrapower Chinese Station
82. Paques, Inc.
83. Phase 3 Renewables
84. Plainfield Renewable Energy
85. PlanET Biogas USA, Inc.
86. Planet Found Energy Development
87. Power & Energy Systems
88. QED Environmental
89. Re4ormed Organics
90. ReCon Associates, LLC
91. ReEnergy Holdings Inc.

92. Regenis
93. RENEW Wisconsin
94. Richt-a-Way Ag Services
95. Richt-A-Way Construction Inc.
96. Rio Bravo Fresno
97. Rio Bravo Rocklin
98. SCORE, LLC
99. SCS Energy
100. Sievers Family Farms
101. Snowden Electric Company
102. StormFisher
103. The Stella Group
104. U.S. EcoGen, LLC
105. Unison Solutions, Inc.
106. Vanguard Renewables
107. Veolia North America
108. Wadham Energy LP
109. Waste Management
110. Westec Industries LLC
111. White City Holdings, LLC
112. York County Solid Waste and Refuse Authority

St. Paul Cogeneration

305 St. Peter Street
Saint Paul, MN 55102
651.290.2812

October 29, 2018

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

Dear Acting Administrator Wheeler:

District Energy St. Paul, Inc. and DTE Energy Services jointly own and operate Saint Paul Cogeneration (SPC), a 33-megawatt biomass fired combined heat and power (CHP) facility located in downtown St. Paul. SPC provides significant support to the local Minneapolis-Saint Paul economy, and the facility presents a practical solution for processing vast amounts of wood waste that are accumulating in the community and surrounding areas.

The local economic impact of the facility is substantial. In addition to providing thermal energy used to heat buildings in downtown Saint Paul, and helping local businesses and communities manage waste wood, St. Paul Cogeneration currently puts approximately \$15 million annually into the local economy in the form of jobs, contractors, and equipment. District Energy and DTE have together invested tens of millions of private dollars into the facility.

SPC's primary source of biomass is clean waste wood that results from severe storms, disease, and tree trimmings. The facility takes on the urban wood waste created by removing trees in the Minneapolis-Saint Paul area diseased by the emerald ash borer, a pest that particularly afflicts the state of Minnesota with its estimated one billion ash trees. The plant combusts approximately 270,000 tons of waste wood annually. Over the last 5 years, waste wood from over 115 communities in and around the Twin Cities Metro area has been used to fuel the combined heat and power plant.

Eleven years ago, Congress agreed that electricity generated from renewable sources should be eligible for incentives under the Renewable Fuel Standard ("RFS") program. Four years ago, EPA approved application of this program to renewable energy sources, such as bioenergy plants. The Agency has since determined that certain solid forms of biomass fuel qualify under the RFS program. However, to date EPA has failed to act on this approval by processing formal applications from a number of renewable electricity producers seeking certification and identification numbers (Renewable Identification Number, or "RIN") under the RFS program. We understand that EPA now faces a four-year backlog of applications from power producers seeking registration, with many more requests expected to follow.

SPC intends to seek certification under the RFS program. At the same time that our services are increasingly needed in the state and metropolitan area, federal and state

policy is instead bolstering other sources of energy. It is essential to the financial well-being of SPC that this program be extended to our plant, and it is only fair that biomass power plants be entitled to benefit from the RFS program on an equal footing with other generators of renewable energy, such as wind and solar.

We respectfully urge you to act on all outstanding registration requests as expeditiously as possible, and to issue a final conclusion on the regulatory structure for the electric RIN pathway.

Best regards,



Kenneth W. Smith
Member, Board of Governors of SPC

- c. The Honorable Amy Klobuchar
- The Honorable Tina Smith
- The Honorable Betty McCollum

25 September 2018

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

Re: EPA Action to Confirm an Electrical Pathway Under the Renewable Fuel Standard Program

Dear Acting Administrator Wheeler:

I am writing this letter as an owner of a 20MW biomass cogeneration power station located in the Sierra Nevada region of rural northern California. We are surrounded by three of the largest national forests in the western US (the Lassen, the Plumas and the Tahoe). Our plant is the only facility in the region, other than out-of-state landfills, that is able receive high fire-risk biomass.

Loyalton Cogen delivers renewable electricity to more than 20,000 homes in the Sierra Nevada and employs more than 50 highly paid, skilled workers to operate the plant and transport biomass materials. Our facility is located at 5,000 feet in the high Sierras of northern California. Our county has only 4,500 residents, no traffic lights and is wholly dependent on logging and ranching. It is fair to say that our region has been largely left behind with regards to federal policies that favor other renewable technologies.

Eleven years ago, Congress agreed that that renewably generated electricity should be a pathway under the Renewable Fuel Standard program. Four years ago, EPA decided to approve an electricity pathway for this program. To date, the EPA has yet to act on this approval by processing formal applications from renewable electricity producers across the nation.

The EPA now faces a four-year backlog of applications from power producers seeking registration as RIN producers for biogas-based electricity. More requests are expected following positive findings by the Agency that power produced using certain solid forms of biomass now qualifies under the RFS.

We have recently been informed that, until the Agency resolves 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 for both existing and future applicants.

Our request of your office is to direct the EPA to expedite currently outstanding registration requests and that permit the Agency to finalize a formal decision with regards to a regulatory structure for the electric RIN pathway.

EPA's regulatory inaction regarding eRINs appears to have the de facto effect of picking "winners and losers." This was not Congress' intent, nor the EPA separate one class of renewable electric generators from others by inaction.

Within the next five years, without the timely inclusion of eRINs, hundreds of biomass, bio-gas and other forms of reliable, community based renewable power generators will be forced to shut down. These small facilities, located in rural communities and provide critically important jobs, will be lost in the push to build ever-larger, solar electric and wind generation facilities.

We respectfully request your timely attention to this matter which will permit our community and others to participate in the very benefits that Congress established eleven years ago.

Sincerely,

Steven Mueller
President

Cc: Congressman Doug LaMalfa



THE CITY OF AUGUSTA

WILLIAM R. BRIDGEO, CITY MANAGER

November 16, 2018

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

Dear Acting Administrator Wheeler:

I serve as the City Manager for Augusta, Maine and earlier this year our City Council approved a plan to build a system to generate electricity from methane gas captured at our local landfill. This approach to electricity generation holds many advantages for Augusta. In addition to the ability to reap some value out of our garbage, we invested in the new system to lower our electricity bills and to help improve air quality issues.

Our new landfill gas system will cost taxpayers nearly \$3 million, with an expected payback of 11 years. Given these costs, it is incumbent upon us to make sure we are participating in all available federal and state programs that will defray those costs. One such program is the Renewable Fuel Standard (RFS). Unfortunately, the EPA has not yet allowed electricity producers to participate in the program because the rules put in place – in 2010 and 2014 – have been suspended.

Eleven years ago, Congress agreed that electricity generated from renewable sources should be eligible for incentives under the RFS program. Four years ago, EPA approved the application of this program to renewable energy sources, such as biogas plants like ours. However, to date, the EPA has failed to act on this approval by processing formal applications from a number of renewable electricity producers seeking certification under the RFS program. We understand that EPA now faces a four-year backlog of applications from power producers seeking registration, with many more requests expected to follow.

The City of Augusta intends to seek certification under the RFS program. We should rightfully be permitted to participate just like every other qualified entity. We respectfully urge you to act on all outstanding registration requests as expeditiously as possible, and to implement the regulatory structure for the electric RIN pathway that was already approved through rule-making.

Sincerely,

William Bridgeo

Copy: Senator Angus King
Senator Susan Collins
Representative Chellie Pingree