

**Committee:** Education, Energy and the Environment  
**Testimony on:** SB590 –Renewable Energy Portfolio Standard – Eligible Sources – Alterations (Reclaim Renewable Energy Act of 2023)  
**Organization:** Individual  
**Submitting:** Deborah Cohn, Bethesda, MD  
**Position:** Favorable  
**Hearing Date:** February 28, 2023

Dear Chairman and Committee Members:

Thank you for accepting my testimony today in support of SB590/HB718, the Reclaim Renewable Energy Act, which would eliminate three greenhouse gas emitters from Tier 1 under Maryland’s Renewable Portfolio Standard (RPS): (i) trash incineration (often referred to as “waste-to-energy” or “refuse derived fuel”), (ii) gas produced from the anaerobic digestion of animal or poultry waste (often referred to as “biogas” or “factory farm gas”), and (iii) several forms of wood-derived waste material (often referred to as “woody biomass.”)

The Renewable Portfolio Standard (RPS) was enacted in 2004 to facilitate a transition to renewable sources of energy. Energy sources included in Tier 1 of the RPS qualify for ratepayer subsidized financial incentives.

Tier 1 currently includes, along with wind, solar and geothermal, several “renewable energy” sources that produce or emit greenhouse gases and harm public health through local air and water pollution. SB590 would eliminate three greenhouse gas emitters from Tier 1: (i) trash incineration (often referred to as “waste-to-energy” or “refuse derived fuel”), (ii) gas produced from the anaerobic digestion of animal or poultry waste (often referred to as “biogas” or “factory farm gas”), and (iii) several forms of wood-derived waste material (often referred to as “woody biomass”).

These three dirty energy sources produce electricity or methane through either the combustion or anaerobic digestion of products embodying fossil fuels (such as plastic and certain organic wastes) that are continuously produced. But continuous production of the fuel source does not, by itself, justify ratepayer subsidy of the electricity or methane produced. There simply is no justification for ratepayers to subsidize through charges on their utility bills processes that generate methane or electricity while emitting greenhouse gases and several other highly toxic pollutants.

Since 2008, Maryland ratepayers have spent over \$200 million on Renewable Energy Credits (RECs) from dirty sources misclassified as “renewable.” Money spent propping up these dirty energy processes is not available to subsidize wind, solar, geothermal or similar “green” renewable energy. SB590 would not close down these dirty energy processes or bar new dirty energy infrastructure from being constructed if they are financially viable without Maryland ratepayer support under the RPS. SB590 would just remove this misplaced ratepayer subsidy.

Moreover, all three of these dirty Tier 1 energy sources pose significant environmental justice concerns. Ratepayer subsidization of these three dirty energy sources places the environmental and health burden of meeting Maryland's sustainability standards on communities already overburdened by polluting industries. The threat of new facilities for producing energy from factory farm waste and forestry products could expand these injustices to lower-income communities on the Eastern Shore and Western Maryland.

**Trash incineration**, prior to 2011, had been in Tier 2 of the RPS, designed to sunset by 2019. In 2011, it was elevated to Tier 1 to ensure continued ratepayer subsidy of existing and proposed incinerators. While concerted local opposition blocked several proposed incinerators, significant ratepayer funds are still propping up incinerators in Baltimore, Montgomery County and Lorton, Virginia. Residents in Baltimore and Montgomery County are trying to close their incinerators and successfully advocating for aggressive waste reduction strategies several of which are being implemented. Trash incineration pollutes more per unit of energy than coal and contributes significantly to air pollution that causes cancer, cardiovascular and respiratory disease.

**Anaerobic digestion of animal and poultry waste** produces "biogas" (primarily methane). Burning methane produces CO<sub>2</sub>, and other pollutants, and methane itself is an even more potent greenhouse gas when it leaks. A 2-15% leak rate from the major biogas projects on the Eastern Shore could release up to 5,187 metric tons of methane per year – comparable to the greenhouse gas emissions from almost 100,000 gas-powered cars.

No such facilities currently exist in Maryland, but industry is proposing to build large facilities on the Eastern Shore. These proposals are being met with stiff local opposition. Proponents claim anaerobic digestion gets rid of animal waste from concentrated animal farm operations which, if applied to fields, would runoff into waterways. But anaerobic digestion actually worsens the problem. It leaves behind a nutrient-rich digestate that must still be disposed of, but the nitrogen, phosphorous and other nutrients have become more water soluble, giving them a greater potential, when applied to fields as a fertilizer, to move into local streams and ultimately into the Chesapeake Bay. These dissolved nutrients would then damage the health of the Bay, undermining the local economy dependent on fisheries and tourism.

**Woody biomass:** Facilities that burn precommercial soft wood thinning, slash, brush, yard waste and certain mill residue (sometimes referred to as "woody biomass") currently qualify as biomass under the RPS. Maryland's woody biomass subsidies mostly go to out-of-state sawmills and paper mills burning their own products to power their own operations. A recent [Harvard School of Public Health Study](#) found that biomass and wood have the fastest-growing share of early deaths in the major energy-consuming sectors. Biomass facilities emit high levels of particulate matter (PM), nitrogen oxides NO<sub>x</sub>, carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), lead, mercury and other hazardous chemicals. And all the sequestered carbon in the tree waste gets released, not over time but immediately upon combustion, turning a carbon sink into a massive carbon emitter. Including woody biomass in Tier 1 energy squanders our ratepayer subsidies, spending them out-of-state on significant fossil fuel emitters.

For these reasons, I urge a **FAVORABLE** report for SB590, the Reclaim Renewable Energy Act, in committee.