Assateague Coastal Trust – PO Box 731, Berlin, MD 21811 – 410-629-1538

Favorable Testimony for SB590-Reclaim Renewable Energy Act

Bill Sponsor: Senator Karen Lewis Young

Committee: Education, Energy, and the Environment Committee

February 28th, 2023

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony in support of **SB590**, on behalf of Assateague Coastal Trust (ACT), the Waterkeeper program for the lower Eastern Shore of Maryland. ACT protects and defends the health of Delmarva's coastal waters through advocacy, education, science, and the enforcement of just and equitable clean water laws.

Since the RPS program was created in 2004, the energy sources counted as "renewable" have gotten dirtier and dirtier - harming Maryland ratepayers and harming Maryland's chances of cleaning up our grid to act on the current climate crisis. Maryland must reclaim our Renewable Portfolio Standard and put our clean energy subsidies where they belong: truly renewable, **emission-free energy.**

In the anaerobic digestion of factory farm waste, chicken manure and other materials such as poultry renderings, fats, oils, greases, etc. are fed into a digester where it is broken down by specialized methane-producing microorganisms that can only thrive in the absence of oxygen. Since factory farms produce unmanageable volumes of waste, digester facilities are often touted as a solution to the environmental issues that waste creates. However, this is a false promise - sending animal waste to a digester creates methane but does nothing to mitigate the significant air or water quality issues associated with factory farms. Additionally, the anaerobic digestion process leaves behind a digestate that must still be disposed of. Problematically, the nutrients in this **digestate can be rendered more water soluble** than those in unprocessed chicken litter, and yet it is often spread on to fields as fertilizer, where it runs off into the local waterways.

Anaerobic Digestion is the latest energy scheme, which focuses on propping up the industrial chicken farming practices that have been plaguing our citizens and waterways for decades as well as creating methane gas infrastructure and facilities seeking to be placed in areas where there are already overburdened communities. I would like to put forth the following concerns for your consideration:

1. **Digesters guarantee the life of a waste stream.** This is explicit in Bioenergy DevCo's materials, "If the goal is production of consistent renewable natural gas: consistent feed stocks are key."[i]

2. Digesters exacerbate nutrient run-off. According to USDA, "Land application of digester effluent, compared with fresh manure, may have a higher risk for **both ground and surface water quality problems.** Compounds such as **nitrogen, phosphorus**, and other elements become more soluble due to anaerobic digestion and therefore have higher potential to move with water."[ii] This would drastically impact farmers' Phosphorus Management Tool.

3. **Digesters do not get rid of waste. They do not address nitrogen and phosphorus problems.** According to the USDA "An anaerobic digester does not change the volume of the material or the amount of nutrients in the waste stream. The by-products from the system will need to be utilized in accordance with the nutrient management plan." As well as "Biogas is flammable, highly toxic, and potentially explosive."[iii]

4. Research shows that a 2-15% leak rate from the major directed biogas projects on the Eastern Shore could **release up to 5,187 metric tons of methane** – comparable to the greenhouse gas emissions from almost 100,000 gas-powered cars on the road all year. [iv]

5. No matter the source, **burning methane produces CO_2**. Furthermore, it is an even more potent greenhouse gas in and of itself when it leaks into the atmosphere. Studies show that in 2015, leaks along the natural gas supply chain were approximately 60% higher than the U.S. Environmental Protection Agency inventory estimate.[v]

Currently, no Maryland anaerobic digestion facilities exist in the RPS, meaning no AD company in MD is losing out on current RECs. However, two out-of-state AD facilities are receiving MD tax-payer dollars, which include:

- Buckeye BioGas - Wooster - OARDC, in Ohio, (4,546 RECs)
- Zanesville Energy - Zanesville, in Ohio, (1,878 RECs)

In 2016, the state of Ohio brought a lawsuit against Buckeye BioGas based on numerous Ohio EPA inspections and 250 citizen complaints. [vi]

Energy companies and the agricultural industry promoting any non-fossil-fuel methane as "renewable" despite its climate impacts is a slap in the face for all Marylanders. Since the construction of so-called "biogas" facilities is extremely costly, they are generally not profitable without subsidies and incentives. **Its inclusion in our RPS provides an unwanted financial incentive to add new greenhouse gas emitting technology to our grid under the guise of renewable energy - on the public's dime.**

Because of the inclusion of these polluters in the Renewable Portfolio Standard, Maryland ratepayers paid over $30 million to buy Renewable Energy Credits from facilities that emit greenhouse gasses in 2020, and over $246 million since 2008. The Public Employees for Environmental Responsibility estimates that if nothing changes, those costs will mount to half a billion dollars subsidizing polluters by 2030. **We need to be using taxpayer RPS funds to further assist real renewable energy sources to stay and grow in Maryland.**

Maryland families have had enough of major polluting industries making record profits while harming vulnerable populations with air and water pollution. Please don't allow the RPS to become a blank check for yet another polluting industry that uses green-washing schemes to confuse the public. Maryland needs clean, reliable, and emission-free energy now, our future depends on it. **For all these reasons and more, we urge a favorable report on SB590.**

Thank you for your consideration,

Gabrielle (Gabby) Ross, Assateague COASTKEEPER®
Assateague Coastal Trust
coastkeeper@actforbays.org

---

[i] Ettinger, P. (n.d.). *Anaerobic Digestion and Renewable Energy Solutions*. Google Drive. Retrieved February 24, 2023, from https://drive.google.com/file/d/1eixdfTb5lT2mzBSw5qJ1rtPcOtfy7VZb/view

[ii] United States Department of Agriculture. (n.d.). *Code 366 (no.) - nrcs.usda.gov*. Retrieved February 24, 2023, from https://www.nrcs.usda.gov/sites/default/files/2022-08/Anaerobic_Digester_366_CPS_Oct_2017.pdf

[iii] United States Department of Agriculture. (n.d.). *Effects of NRCS conservation practices - national anaerobic digester*. Retrieved February 24, 2023, from https://www.nrcs.usda.gov/sites/default/files/2022-08/Anaerobic_Digester_366_CPPE.pdf

[iv] Dunham, K., & Ross, G. (2023, January). *Directed Biogas in Delmarva*. Retrieved February 24, 2023, from https://drive.google.com/file/d/1-k7cE8zXLim0q-7N4B0crujZlgHkc247/view

[v] *Report: The myth of "Renewable natural gas" for building decarbonization*. Earthjustice. (2020, July 14). Retrieved February 24, 2023, from https://earthjustice.org/feature/report-building-decarbonization

[vi] State of Ohio v. Quasar Energy Group, LLC (https://www.courthousenews.com/wp-content/uploads/2017/05/QuasarSuit.pdf n.d.).