

Congress of the United States
Washington, DC 20510

October 3, 2018

The Honorable Andrew Wheeler
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Acting Administrator Wheeler:

We write regarding the Environmental Protection Agency's (EPA) proposed Renewables Enhancement and Growth Support (REGS) rule and urge you to resolve any outstanding issues impeding EPA's ability to process biomass and waste-to-energy fuel pathways submitted under the Renewable Fuel Standard (RFS) program. Approving and registering biomass-derived electricity for the RFS is important to New Hampshire and consistent with EPA's approach toward biomass.

Biomass is an important energy source for New Hampshire and critical component of our region's forest-based economy. New Hampshire is home to seven biomass power facilities that support jobs, contribute to the state and local economies and supply renewable power to hundreds of thousands of homes and businesses across New England. Moreover, these biomass power facilities provide a source of revenue for landowners to maintain healthy forests that are vital for wildlife protection and climate change mitigation. Despite their ability to contribute to clean energy and rural economic stability, biomass power facilities in our state are on the verge of closing because of challenging power markets. Urgent action is needed to address the obstacles limiting biomass power generation and the forest-based industries it supports.

In 2014, EPA approved a pathway for renewable electricity used for transportation fuel made from certain biomass sources to qualify for Renewable Identification Numbers (RINs) under the RFS program if electricity from these sources were used to power electric vehicles. Expanding the RFS program in such a way would spur the growth of the U.S. electric vehicle market and incentivize renewable biomass power generation while simultaneously reducing pollution and greenhouse gas emissions from the transportation sector. In 2016, EPA issued the proposed REGS rule in an effort to gather additional information about the potential configurations of this new renewable electricity pathway. However, to date, EPA has yet to finalize the REGS rule or issue an approved renewable fuel pathway for biomass, waste-to-energy and several other fuel sources.

EPA's inaction has created a multi-year backlog of applications from power producers seeking registration as RIN producers for biomass-based electricity and discouraged investment in new and innovative technologies that are ready to use this approved pathway. While we understand the need to carefully review changes to the RFS program, we are concerned that delaying the inclusion

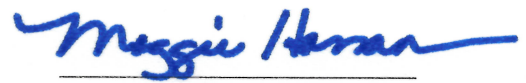
of biomass and waste-to-energy electricity producers inadvertently favors certain types of agricultural feedstock and fuel types.

Expanding the RFS program to include biomass-derived electricity would help the U.S. achieve its clean energy goals and provide a much-needed boost to the biomass industry in New Hampshire. We urge you to immediately address all outstanding RIN registration requests and finalize a regulatory structure for biomass and waste-to-energy fuel pathways under the RFS program.

Sincerely,



Jeanne Shaheen
United States Senator



Margaret Wood Hassan
United States Senator



Carol Shea-Porter
Member of Congress



Ann McLane Kuster
Member of Congress

CC: William Wehrum, Assistant Administrator, Office of Air and Radiation