

ALIGN: the Alliance for a Greater New York ♦ Alliance for a Green Economy ♦ Alliance of Nurses for Healthy Environments ♦ American Environmental Health Studies Project ♦ Atlantic States Legal Foundation ♦ Center for Environmental Health ♦ Citizens Awareness Network ♦ Citizens' Environmental Coalition ♦ Clean Air Coalition of WNY ♦ Clean and Healthy New York ♦ Community Concerned About NL Industries ♦ Concerned Citizens of Seneca County ♦ Concerned Health Professionals of NY ♦ Council of Park Friends, Clark Reservation State Park ♦ Empire State Consumer Project ♦ Environmental Advocates of New York ♦ Finger Lakes Zero Waste Coalition ♦ Friends of Brook Park ♦ Grassroots Environmental Education ♦ Green Education and Legal Fund Inc. ♦ Greenwich Citizens Committee ♦ Hudson River Sloop Clearwater ♦ Institute for Local Self-Reliance ♦ Jamesville Positive Action Committee (JamPAC) ♦ Natural Resources Defense Council ♦ New York City Environmental Justice Alliance ♦ New York City Friends of Clearwater ♦ New York Environmental Law and Justice Project ♦ New York Lawyers for the Public Interest ♦ New York Public Interest Research Group ♦ No Impact Project ♦ North Shore Waterfront Conservancy of Staten Island ♦ Nuclear Information & Resource Service ♦ NY/NJ Environmental Watch ♦ Orange Environment, Inc. ♦ Pratt Center for Community Development ♦ Protect the Adirondacks ♦ Rainforest Relief ♦ Riverkeeper ♦ Sane Energy Project ♦ Sierra Club Atlantic Chapter ♦ Sierra Club, NYC Group ♦ South Bronx Unite ♦ Staten Island Citizens for Clean Air ♦ Surfrider Foundation ♦ United Neighbors Concerned About GE Dewey Loeffel Landfill ♦ UPROSE ♦ WE ACT for Environmental Justice

May 27th, 2014

Peter W. Davidson
Executive Director
Loan Programs Office
U.S. Department of Energy LP 10
1000 Independence Avenue, SW
Washington, DC 20585

Re: Draft Renewable Energy and Efficient Energy
Projects Loan Guarantee Solicitation

Dear Mr. Davidson:

Our groups have significant concerns about the potential adverse environmental, economic, social justice, and public health impacts of garbage incineration. We are writing to express our strong opposition to including garbage incineration among the technologies eligible for federal loan guarantees for renewable energy projects and efficient energy projects (Solicitation Number: DE-SOL-000; OMB Control Number: 1910-5134).

The proposed DOE solicitation identifies waste-to-energy as a “catalytic technology area,” including, but not limited to “municipal solid waste to electricity.” There are numerous technologies that have been proposed to convert municipal solid waste (MSW) to electricity, including: thermal technologies, such as mass-burn incineration, gasification, pyrolysis, and plasma arc incineration; chemical technologies, such as hydrolysis; and biological/mechanical processes, such as anaerobic digestion for mixed MSW. While we will focus our comments on thermal processes (henceforth referred to as “garbage incineration”), we object to the inclusion of any of these technologies in this solicitation for the purposes of converting MSW to energy.

Section 1703 of Title XVII of the Energy Policy Act of 2005 authorizes the U.S. Department of Energy to support innovative clean energy technologies that are typically unable to obtain conventional private financing due to high technology risks. In addition, the technologies must avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases.

An “Eligible Project” under this solicitation is a project located in the United States that:

1. Uses a) renewable energy systems, b) efficient electrical generation, transmission, and distribution technologies; or c) efficient end-use energy technologies, and
2. Meets both of the following requirements:
 - a) Avoids, reduces, or sequesters anthropogenic emission of greenhouse gases; and
 - b) Employs new or significantly improved technology as compared to commercial technologies in service in the U.S. at the time the guarantee is issued.

We object to the inclusion of garbage incineration in the Section 1703 federal loan guarantee program because it fails to meet the above criteria for eligibility.

First, municipal solid waste (MSW) is not a renewable fuel source. Most of the materials in the waste stream come from nonrenewable resources. State and federal waste management policies prioritize preventing or reducing waste generated. In contrast, garbage incinerators require a steady stream of waste for fuel and compete with recycling programs for some of the most carbon-rich components of the waste stream, such as plastic, wood and paper. Additionally, garbage incineration is extremely inefficient at generating energy due to the nature of the fuel source and the measures that must be taken to reduce hazardous air emissions.

Secondly, garbage incineration does not avoid, reduce or sequester anthropogenic emissions of greenhouse gases, in fact it is more polluting than coal on a per megawatt basis. Industry claims that incinerators release less greenhouse gas emissions than landfills are based on a number of false assumptions. Recycling and waste prevention are the preferred solid waste management practices, both of which avoid or significantly reduce anthropogenic emissions of greenhouse gases. Even landfilling, while undesirable, serves to sequester carbon from the atmosphere and preserves materials for future “mining” and reclamation rather than destroying them through combustion. Furthermore, measures can be taken to mitigate landfill GHG emissions through methane capture and diverting organic waste to composting facilities.

In DOE’s briefing on the loan program solicitation, Slide 18 also notes that waste-to-energy can provide “ancillary environmental benefits.” While this does not appear to be among the criteria for eligibility for the 1703 loan program, including it would give our groups even more grounds to oppose the eligibility of garbage incineration for clean energy funding. On a per megawatt basis, garbage incinerators emit far more mercury, heavy metals, acid gases, and other air pollutants than coal-fired power plants, as well as dioxins and furans, which are extremely potent carcinogens that are generated during the combustion of MSW.

Slide 18 further refers to the opportunity to “utilize an urban renewable energy resource.” It has been widely documented that low-income communities of color in the United States, mostly in urban areas, have been disproportionately burdened with polluting facilities such as garbage incinerators. Providing federal incentives to construct more of these facilities will likely increase

the toxic burdens, and resulting adverse health impacts, in these communities. This is an environmental justice issue of great concern not only in New York State but across the country.

New York State has set an ambitious goal of reducing per capita waste generation 86% by 2030. This goal reflects the state's belief that through recycling, reuse, composting, and waste prevention we can minimize the actual amount of waste that must be discarded in either landfills or incinerators. The state's 2010 *Beyond Waste* plan emphasizes the value of managing the materials in our waste stream from a greenhouse gas perspective. There is far more embedded energy in our waste that can be recovered through recycling or reuse than can be generated through incinerating these materials.

For these and other reasons, New York State does not recognize garbage incineration (WTE) as renewable energy in most of its energy programs and policies. In 2009, in its most recent expression of legislative intent, the State Legislature excluded the combustion or pyrolysis of MSW from the definition of renewable energy sources.

New York's Renewable Portfolio Standard (RPS) does not include garbage incineration as a renewable energy technology, despite repeated attempts by the waste management industry to access clean energy funds. Most recently, Covanta petitioned the NYS Public Service Commission (PSC) in 2011 to include garbage incineration in the RPS program. Dozens of organizations, businesses, and elected officials, and thousands of individual citizens, weighed in with opposition to Covanta's petition, which Covanta eventually withdrew in the face of impending rejection by the PSC.

Among other things, Covanta's petition contended that garbage incineration was more efficient than landfill gas-to-energy (setting a very low bar for comparison), that the technology had changed significantly (in fact, while emissions have been regulated more stringently, the technology has not changed significantly since the 1990s), and that garbage incineration resulted in net carbon emissions reductions (a claim that was thoroughly debunked by numerous commenters). The N.Y.S. Department of Environmental Conservation, in its comments on Covanta's petition (attached), refuted these claims, stating that "Covanta's claim that WTEs provide greenhouse gas (GHG) emission benefits cannot be substantiated," and that "Covanta's contention that WTEs are superior to landfills from a GHG perspective is not supported by the record."

Despite the fact that the State of New York does not subsidize these technologies through its renewable and clean energy programs, we have witnessed considerable pressure to pilot experimental garbage incineration technologies here. In 2012, the Bloomberg Administration issued a Request for Proposals (RFP) for "new and emerging waste-to-energy technologies" which ultimately was shelved as a result of concerns raised about the emissions and viability of gasification, pyrolysis and plasma arc incineration, none of which have been proven to work on MSW on a commercial scale. Numerous other companies have expressed interest in building incinerators in New York, spurred in large part by federal subsidies, but have failed to obtain the necessary financing to proceed with their risky and unproven projects.

Currently, the only MSW gasification incinerator that has received a permit in New York is the Taylor Biomass Gasification Project in Orange County. Despite its name, the major fuel sources

for this facility will be MSW and construction and demolition debris. In 2009, Taylor Biomass applied for \$100 million in federal loan guarantees through the DOE's 1703 program.

Because of its precedential nature (this was the first facility using this technology to apply for the 1703 program), the Partnership for Policy Integrity (PFPI), at the request of several New York State groups, conducted a detailed review of Taylor's application and compared the facility's permit requirements with the requirements of the 1703 program. PFPI found significant discrepancies between the claims the company made to DOE and what the state permits allow for (see attached report). Far from being a "clean" energy project, the report revealed that the plant will be a large source of both conventional air pollutants and greenhouse gases. PFPI submitted these findings to the DOE last year and joined with several New York State groups in urging DOE to deny Taylor Biomass's petition.

There is absolutely no justification for including MSW waste-to-energy in a program designed to support clean and renewable energy technologies. Our groups support federal investments in energy projects that are truly clean. We should not be targeting our tax-payer backed federal loan guarantees to prop up polluting, dangerous, and inefficient technologies.

Thank you for your consideration.

Sincerely,

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Attachments:

Comments of the N.Y.S. Department of Environmental Conservation Regarding the Application of Covanta Energy Corporation for Modification of the List of Eligible Resources Included in the Main Tier of New York's Renewable Portfolio Standard Program to Include Energy From Waste Technology, August 19th, 2011.

"Burning Money: Biomass Gasification and the DOE Loan Guarantee Program," Partnership for Policy Integrity, May 2013