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March 12, 2013

Kevin M. Dailey, Esq.
Green Waste Energy
Vice President – Government Relations
1 Sambrook Edge
Rexford, New York 12148

Dear Mr. Dailey,

In your letter dated February 28, 2013, you request confirmation that the technology and feedstock proposed by Green Waste Energy, Inc. is eligible to participate in the RPS Program. You indicate that Green Waste Energy is planning a 1000 ton per day municipal solid waste (MSW) to energy facility on the BASF site in Rensselaer, NY. This facility is proposing to use the C6 Advanced Recycling and Energy Conversion (AREC) System to process and convert certain biomass feedstock into a synthetic gas for electricity production.

The confirmation you seek, a formal Advisory Opinion on the proposed technology and feedstock, is initiated by submitting a request to the New York State Research and Development Authority (NYSERDA), the RPS program administrator, as prescribed in the RPS Program Implementation Plan appended to the Commission's April 14, 2005 Order.¹ The Plan addresses key elements of the RPS program including resource eligibility and certification procedures. With respect to project eligibility it states:

Advisory Opinions with regard to eligibility of projects or resources for participation in the RPS Program may be requested by potential proposers at any time. Requests for Advisory Opinions must be submitted to NYSERDA with sufficient data and information to allow a full evaluation. Guidelines describing the format of such applications and the information that will be required will be developed and made available. NYSERDA may request additional information during the consideration of an application. Once an application is deemed complete, NYSERDA Staff will prepare an analysis and forward it

¹ See Case 03-E-0188 Proceeding on Motion of the Commission Regarding a Retail Renewable Portfolio Standard: Order Approving Implementation Plan, Adopting Clarifications, and Modifying Environmental Disclosure Program, Issued April 14, 2005. <http://www3.dps.ny.gov>

to the Director of the Office of Electricity and Environment of the Department of Public Service (OEE Director) for review and the preparation of an Advisory Opinion. The OEE Director will thereafter provide the Advisory Opinion to the requesting parties and NYSERDA within 30 days of the date on which the application was deemed complete. Advisory Opinions will not constitute or substitute for Provisional Certification.

In addition, the RPS Biomass Power Guide, last updated in September 2011, provides detailed requirements for the use of adulterated biomass feedstock that must be satisfied in order for a project to be entitled to participate in the RPS program. In light of the description of the proposed feedstock in your February 28 letter, I urge you to carefully review the Guide for a full understanding of the certification process required to qualify adulterated biomass.²

Please contact Christina Palmero at (518) 474-1612 if you need additional assistance.

Sincerely,

Jeffrey C. Cohen
Acting Secretary

² The Biomass Power Guide can be located at the following web address: http://www.nyserra.ny.gov/Program-Planning/Renewable-Portfolio-Standard/Documents.aspx?sc_database=web