FOSSIL FREE TOMPKINS

May 25, 2022

VIA ELECTRONIC MAIL

Honorable James Costello
Administrative Law Judge
New York State Department of
Public Service
Three Empire Plaza
Albany, New York 12233-1500

Re: Case 21-G-0576 - Petition of Bluebird Renewable Energy, LLC for an Original Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime

RESPONSE FROM PUBLIC INTEREST PARTIES REGARDING CLCPA COMPLIANCE OF BLUEBIRD RENEWABLE ENERGY PETITION

Dear Judge Costello:

The parties in this proceeding representing the public interest (Brian Eden on behalf of Campaign for Renewable Energy; Bob Wyman, an individual; and Irene Weiser on behalf of Fossil Free Tompkins) are writing to inform you that after having reviewed the emissions data provided by Bluebird Renewable Energy (BRE) we believe that there are material issues of fact that interfere with attainment of the CLCPA greenhouse gas reduction goals. We therefore request that this proceeding transition to a discovery period, followed by an opportunity to provide testimony.

In particular, we assert that BRE's emission analysis does not account for all the emissions it should and that once a more complete emissions analysis is provided it will demonstrate that the current system has lower emissions than the proposed RNG project. Specifically, the applicant's analysis has not accounted for emissions from

1. End use of the RNG.
2. Transmission and distribution of the RNG following injection into the gas pipeline system, and
3. Increased production of biogas.

The Table below summarizes where emissions may occur in the current system and the proposed project. **Items in bold print indicate data that is not provided in BRE emissions analysis.** The notes/questions column indicates the types of discovery topics we are interested in pursuing.

	Current Systems	Proposed RNG Project	Notes/Questions
Biogas Production	Anaerobic digester	Anaerobic digester	Will biogas production be increased from current system production levels? (BRE's first petition said 1 truck/day[1]. Current emissions analysis says 2 trucks per day (conservative)[2] suggesting increased production is expected.
Biogas Purification	Not applicable	Multiple processes, energy inputs and emissions included in BRE analysis	How do emissions increase with increased biogas production?
Gas Transport	**Transport from digesters to generators** (system not described, emissions data not included in BRE analysis)	● Truck transport to injection site. ● **Energy use for heating the compressed RNG and leakage during injection into pipeline.** ● **Gas leakage during pipeline transport to end use.**	● Max number of trucks and related emissions? ● What are emissions related to decompression and injection? ● What is pipeline transport leakage rate and emissions?
Gas End Use	Generator combustion ---> electricity used on farm and sold to grid. Data provided in BRE analysis.	**End use emissions not provided**	CLCPA requires lifecycle analysis including downstream/end-use emissions.

[1] BRE petition 11/24/21 pg 8 "BRE currently anticipates that the Project will ship one (1) tube trailer per day"

[2] BRE emissions calculations 3/23/22 pg 7, Bates BRE-132 "Expected Number of Transfers per Year per Year: 730 Two trucks per day, 365 days per year (conservative)"

As provided in the above table, there is a significant amount of missing data from BRE's emissions analysis. BRE's emissions report almost fully describes the emissions from the current system from production of biogas through end use. On the other hand, their description of the proposed system doesn't discuss the potential for increased biogas production and associated emissions, nor does it discuss leakage associated with gas transport. And it completely omits any discussion/calculation of emissions associated with end use (combustion) of the biogas. The comparison between emissions from the existing system vs the proposed project is therefore not an "apples to apples" comparison, rendering BRE's conclusions about the environmental benefits of their proposed project invalid.

Further, we expect that once the missing data are provided the proposed project will demonstrate higher emissions than the current systems. An increase in GHG emissions would be inconsistent with attaining the GHG reduction goals of the CLCPA.

We plan to add to the record in this case with IR's including but not limited to the following topics/questions:

1. Biogas Production
    a. What are biogas production levels from the current system?
    b. Are there plans for increasing the quantity of biogas production relative to current production levels? If so, please provide details of those plans.
2. Biogas Purification
    a. What level of biogas production are the biogas purification emissions based on?
    b. What are the associated emission increases anticipated for biogas purification processes as production increases?
3. Gas Transportation
    a. Describe the system for transporting biogas from the anaerobic digester to the generator in the current systems.
    b. What emissions result from transporting biogas from the anaerobic digesters to the generators in the current systems?
    c. In the proposed project what are the energy inputs and emissions associated with decompressing the compressed RNG and injecting it into the interstate pipeline?
    d. In the proposed project, what emissions and leaks are associated with the transportation of gas from the point of injection to the point of end use?
    e. The initial petition said there would be one truck trip per day[3]. The emissions analysis says 2 truck trips (conservative)[4] What is the maximum number of truck trips and resultant emissions?

[3] BRE petition 11/24/21 pg 8 "BRE currently anticipates that the Project will ship one (1) tube trailer per day"
[4] BRE emissions calculations 3/23/22 pg 7, Bates BRE-132 "Expected Number of Transfers per Year per Year: 730 Two trucks per day, 365 days per year (conservative)"

f. How will increased RNG production increase the emissions from all stages of transporting gas in the proposed project?

4. Gas End Use
    a. What are the emissions associated with the end use of the RNG (presumably combustion) that has been injected into the interstate pipeline system?
    b. Provide emissions calculations based on current biogas production levels and planned increased production levels.
5. Injection station
    a. Does an injection station already exist or will one need to be constructed? If existing, will any modifications be needed to accommodate injection of the RNG?
    b. If construction or modifications are required, will ratepayers be required to pay for these?

Following a period of discovery, we plan to offer written testimony. Depending on responses to our IRs we may provide additional expert testimony.

We suggest it would be helpful to schedule another procedural conference to develop a schedule for moving forward.

Thank you for consideration of these remarks.

Respectfully submitted,

Irene Weiser, coordinator Fossil Free Tompkins
on behalf of Brian Eden, Campaign for Renewable Energy, and Bob Wyman

cc: ALJ James Costello
Secretary Michelle Phillips
All Parties to Case 21-G-0576