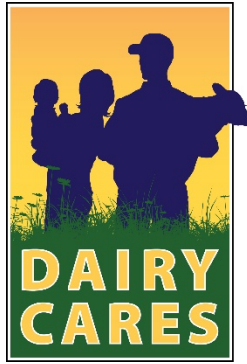


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January 27, 2021

California Energy Commission
Integrated Energy Policy Report, Volume 1
1516 9th Street
Sacramento, CA 95814

Re: Dairy Cares Comments on the Draft 2020 Integrated Energy Policy Report (IEPR)
Update, Volume 1 (Docket No. 20-IEPR-01)

Dairy Cares¹ is pleased to offer the following comments on the Draft 2020 IEPR Update, Volume 1. These comments focus on the use of renewable natural gas (“RNG”) from dairy manure as discussed on pages 134 – 137 of the Draft IEPR. Overall, Dairy Cares found the California Energy Commission’s (the “Commission”) discussion of RNG both thoughtful and balanced. Dairy Cares agrees with the Commission’s overall conclusion that RNG, from sources like dairies, will continue to play an important role in decarbonizing sources that are difficult to electrify.

Dairy Cares also appreciates the need to fully evaluate all potentially significant environmental impacts and local benefits associated with RNG projects. Recently, Dairy Cares responded to the Disadvantaged Communities Advisory Group’s (“DACAG”) concerns about RNG projects as stated in the DACAG’s response to an application by Southern California Gas Company before the California Public Utilities Commission. Dairy Cares’ response to DACAG is attached to these comments as Attachment 1. Dairy Cares’ letter encouraged the DACAG to consider certain factual information evidencing that:

- (1) California dairies improve local economies and provide critical employment;
- (2) The number of dairy cows in California is declining, not increasing;

¹ Formed in 2001, Dairy Cares (www.dairycares.com) is a coalition of California’s dairy producer and processor organizations, including the state’s largest trade associations representing dairy farmers (*California Dairy Campaign, California Farm Bureau Federation, Milk Producers Council and Western United Dairymen*), other cattle ranchers (*California Cattlemen’s Association*) and the largest milk processing companies and cooperatives (including *California Dairies, Inc., Dairy Farmers of America-Western Area Council, Hilmar Cheese Company, and Land O’ Lakes, Inc.*), and others with a stake in the long-term environmental and economic sustainability of California dairies.

- (3) The CPUC has recognized the benefits of dairy digester projects and has implemented SB 1383 in a way that protects local communities;
- (4) State RNG policies will not “exacerbate and sustain” local environmental burdens;
- (5) Digester projects provide local environmental co-benefits; and
- (6) Local community outreach is mandatory.

Dairy Cares encourages the Commission to review the attached response to DACAG and incorporate the aforementioned conclusions into Volume 1 of the 2020 IEPR Update.

Sincerely,

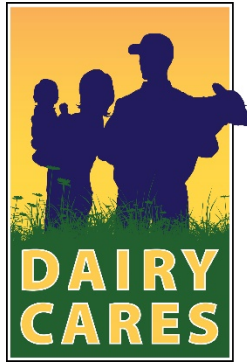


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ATTACHMENT 1

**Dairy Cares' December 8, 2020 Letter to Stan Greschner, Chair, Disadvantaged
Communities Advisory Group ("DACAG")**



December 8, 2020

Stan Greschner, Chair
Disadvantaged Communities Advisory Group (“DACAG”)

Sent via email to: PublicAdvisor@energy.ca.gov, DAC-ag@cpuc.ca.gov

***Re DACAG Dec. 2, 2020 Letter to California Public Utilities Commission
Commissioners***

Dear Mr. Greschner and members of the DACAG,

I am writing on behalf of Dairy Cares¹ in regards to the DACAG’s December 2, 2020 letter to the California Public Utilities Commissioners regarding San Diego Gas & Electric and Southern California Gas Company’s Application 19-02-015. Dairy Cares is not a party to this proceeding and offers no comment on issues that may be pending before the Commission in regards to that Application. However, we received a copy of your December 2nd letter and are deeply concerned with the position taken by DACAG and the broad and unsupported assertion that utility-funded RNG projects would somehow “expand environmental degradation in disadvantaged communities.”

Dairy Cares appreciates the important role the DACAG plays in implementing state climate policy by providing advice on policies that are “effective and useful in disadvantaged communities.”² The purpose of this letter is to provide DACAG with information and sources detailing why its conclusions about California dairy farm operations and the role of incentive

¹ Formed in 2001, Dairy Cares (www.dairycares.com) is a coalition of California’s dairy producer and processor organizations, including the state’s largest trade associations representing dairy farmers (*California Dairy Campaign, California Farm Bureau Federation, Milk Producers Council and Western United Dairymen*), other cattle ranchers (*California Cattlemen’s Association*) and the largest milk processing companies and cooperatives (including *California Dairies, Inc., Dairy Farmers of America-Western Area Council, Hilmar Cheese Company, and Land O’ Lakes, Inc.*), and others with a stake in the long-term environmental and economic sustainability of California dairies.

² California Public Utilities Code Sec. 400(g).

programs are incorrect. As discussed below, dairy digester projects provide important economic and environmental benefits to local communities and will not lead to new or sustained local environmental burdens.

1. *California Dairies Improve Local Economies and Provide Critical Employment.*

Local economic effects should be a core consideration in any advice on policies that are “effective and useful in disadvantaged communities.” The economic benefits of agriculture, and dairies in particular, are well documented. For example, professors at UC Davis recently published results of economic modeling articulating the significant contribution California’s dairy sector provides to multiple facets of local economies. They offered the following assessment of how dairies benefit local communities:

The California dairy industry remains the single largest producer of milk and processed dairy products in the United States accounting for close to 20 percent of all U.S. milk production. Almost all of the milk produced in California is also processed in California, and almost all of the milk processed in California is produced on dairy farms in the state. Much of California processed dairy product quantity and value is shipped out of California in the form of cheese, whey, lactose, milk powders, butter and other processed products and is used globally.

The economic contributions of the dairy industry begin with inputs into milk production on dairy farms. California dairy farms purchase inputs, including feed and services such as nutrition consultation and veterinary treatments, from other industries. These input purchases create indirect economic activity that would not occur in California without the demand from dairy farms. Dairy processing would not occur in California without milk production on farms in the state. Dairy processing companies buy electricity, trucking and hauling services, packaging materials and other items and services from outside industries, which also create a linked chain of indirect economic impacts. In addition to these indirect impacts, income earned by workers, farmers, managers and others in the dairy industry generates consumption of goods and services throughout the economy. For example, dairy farmers may have children that attend local schools that therefore have additional teachers. Similarly, a milk processing plant employee shops for clothing or other which adds to local retail sales and employment. These purchases, in turn, induce even more jobs and more income for those outside the dairy industry. These induced effects spread the impact

of the dairy industry throughout the economy into all industries and to workers in every occupation.³

Simply put, dairies and dairy processing facilities play an integral role in local communities. Many of the 185,000 jobs created by the sector are in the San Joaquin Valley and are a critical source of year-round, well-benefited, and well-compensated union employment to disadvantaged and local communities. Moreover, development of dairy digester projects is creating hundreds of local construction jobs and ongoing operations and maintenance employment.

2. *Dairy Cows in California are Declining, Not Expanding.*

Historically, California dairies have faced consolidation, with fewer dairies operating in the state each year and with few, if any, new dairies being built in recent years. Equally important, the total number of dairy cows in California has declined, not expanded, since 2008. Overall, the number of dairy cows in the state has been reduced by about 6-7% since a peak of approximately 1.85 million milk cows in 2008. We expect this decline in both cows and dairies to continue with the total number of cows decreasing by approximately 0.5 % each year. This ongoing reduction in herd size is being driven by historically depressed milk prices and increasing environmental and labor costs. Dairies in California will face contraction as a result of the continued implementation of the Sustainable Groundwater Management Act (SGMA). We expect SGMA to reduce the total farmed acreage in California by up to 1 million acres, including dairy farm operations.

3. *The CPUC Has Recognized the Benefits of Dairy Digester Projects and Has Implemented SB 1383 in a Way that Protects Local Communities.*

California dairy farms must comply with the emission reduction targets of SB 1383, among numerous other California environmental laws designed to limit criteria and toxic air pollutants and protect water supplies. SB 1383 was designed to encourage near-term voluntary short-lived climate pollutant (“SLCP”) reductions, which includes methane reductions in dairy manure management, before the California Air Resources Board (“CARB”) considers potential mandatory measures.

Dairy Cares is concerned about the looming economic impact mandatory measures would have on dairies, particularly small dairy farmers. It is important to recognize that base milk

³ Matthews and Sumner, *Economic Contributions of the California Dairy Industry* (April 2019), available at: https://aic.ucdavis.edu/wp-content/uploads/2019/07/CMAB-Economic-Impact-Report_final.pdf

prices are set under federal pricing programs and as a result, California dairies have little opportunity to pass-through regulatory costs. We see the California Public Utilities Commission (“Commission” or “CPUC”) playing a pivotal role in this regard. The Commission has concluded that the “main impediment to achieving this goal [SB 1383] is that dairy biomethane projects historically do not generate enough revenue through sales of the commodity to attract the upfront investment needed for the highly capital-intensive infrastructure necessary to build the project and support ongoing operating expenses.”⁴ It is in that context that the Commission created a framework to fund interconnection and operation costs for a small group of pilot dairy biogas projects. Importantly, the pilot scoring criteria prioritized projects showing benefits in local communities that “minimize criteria pollutant and Toxic Air Contaminant and maximize net criteria pollutant reductions.”⁵ The CPUC also favored projects with demonstrated outreach in local communities.⁶ Further, in the Pipeline Biomethane OIR, the Commission stated that “[i]n collaboration with CARB and the Office of Environmental Health Hazard Assessment (OEHHA), the Commission determined that biomethane could be safely injected into the natural gas pipeline system in Decision (D.) 14-01-034 (adopted January 16, 2014).”⁷ Finally, in the recent CPUC Decision approving interconnection tariffs (D. 20-08-035), the Commission concluded that as a matter of law, the “[c]apture and use of biomethane and other renewable gases are in the public interest.”⁸ In sum, the Commission’s policies may help preserve economic benefits dairies provide to local communities, and the Commission has a track record of implementing SB 1383 in a way that protects local communities.

The Commission’s ongoing efforts to accelerate SLCP reductions at dairy manure operations is a critical piece of SB 1383 implementation and may help preserve and promote the economic well-being of local communities by facilitating and accelerating SLCP reductions before mandatory measures take effect.

⁴ See D.17-12-004, at p. 11, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M201/K352/201352373.PDF> .

⁵ *Id.* at Appendix B, p. 10.

⁶ *Id.*

⁷ See Assigned Commissioner’s Scoping Memo opening Phase 4 of Rulemaking R.13-02-008 (November 21, 2019), available at: <https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M320/K307/320307147.PDF>

⁸ See CPUC Decision 20-08-035, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M346/K309/346309959.PDF>

4. State RNG Policies Will Not “Exacerbate and Sustain” Local Environmental Burdens.

Dairy Cares disagrees with DACAG’s conclusion that the Application at issue would somehow lead to potential expansion of harm from large dairy farms. This unsupported conjecture is at odds with the findings of federal and state agencies about the benefits of digester projects. The US EPA has observed that “[c]apturing biogas from cattle, hog and poultry farms can reduce greenhouse gas emissions and recovering the methane from the biogas can provide a cost-effective source of renewable energy.”⁹ The California Department of Food and Agriculture (“CDFA”) concludes “[t]he technology has many environmental and social benefits.”¹⁰ Similarly, the California Air Resources Board’s 2017 Short Lived Climate Pollutant Strategy recognizes many potential benefits of digester projects and identifies digester projects as a potential strategy to meet emission reduction targets. The ARB concludes,

Manure management at dairies offers one of the greatest opportunities to reduce methane emissions from these sectors (methane from manure management at California’s non-dairy livestock operations comprise less than five percent of overall manure methane). Accordingly, California will aim to structure incentives, policies, regulations, and research to support significant methane emission reductions from dairy manure management.¹¹

Finally, in allocating cap-and-trade revenue to programs that reduce GHG emissions, the State has allocated considerable funds from the Greenhouse Gas Reduction Fund to go towards CDFA and Cal Recycle SLCP reduction efforts.¹² These appropriations evidence a recognition by state leadership of the multiple benefits of SLCP reduction projects.

DACAG expresses concern with “Large Confined Animal Feeding Operations” and seems to imply that these dairy farms would expand due to the presence of RNG incentives like those in the application. In light of the noted contraction and consolidation of California’s dairy industry in recent years, Dairy Cares does not anticipate state-biogas policies will lead to the development of new dairy facilities or expansion of existing ones. The policies will however

⁹ See US EPA AgSTAR webpage: <https://www.epa.gov/agstar/learning-about-biogas-recovery>

¹⁰ CDFA 2020 DDRDP website, available at: <https://www.cdfa.ca.gov/oefi/ddrdp/>

¹¹ See for example, California Air Resources Board 2017 SLCP Reduction Strategy (March 2017) p. 64, available at: https://ww2.arb.ca.gov/sites/default/files/2020-07/final_SLCP_strategy.pdf

¹² See for example, 2020 GGRF Spending Report and allocations to California Department of Food and Agriculture and Department of Resources Recycling and Recovery (“Cal Recycle”), available at: <https://www.caclimateinvestments.ca.gov/cci-data-dashboard>

affect existing dairy farm management practices that, as noted, are under ambitious SLCP reduction targets set forth in Section 39730.5 of the California Health and Safety Code (S.B. 1383).

It is also important to recognize that digester projects have multiple layers of environmental and permitting review in addition to the utility's interconnection process. The San Joaquin Valley Unified Air Pollution Control Board, Central Valley Regional Water Quality Control Board, and local agencies have consistently and fully evaluated individual project proposals under the requirements of the California Environmental Quality Act ("CEQA") and other federal, state, and regional environmental and permitting laws such as the state and federal Clean Air Act, as well as the Clean Water Act. Projects developed through utility-funded programs are subject to CPUC jurisdiction and disadvantaged communities' considerations have been a key component of those projects' evaluations. Similarly, projects funded under CDFFA programs provide similar considerations for impacts to local and disadvantaged communities.

California's incentive programs are starting to show the early success intended by the authors of SB 1383, the State's landmark SLCP law targeting 40% reductions by 2030. Anaerobic digesters are a renewable technology that uses livestock manure to produce methane, which is a renewable source of energy generation and transportation fuel. The technology has many environmental and social benefits. Biomethane projects, particularly landfill, wastewater and dairy are being sited at existing facilities. Dairy digester projects provide a significant reduction in methane from traditional manure management practices, thus improving local environmental conditions, and resulting in benefits to public health, including water quality, air quality and odor. All of the projects that are being developed in California (and funded in part by CDFFA through the Dairy Digester Research and Development Program ("DDRDP")) must demonstrate protection of the environment and comply with stringent water and air quality protection standards, including the California Environmental Quality Act ("CEQA").

In particular, the design and construction of digesters must be demonstrated to be protective of surface and groundwater quality.¹³ All digester system design, construction, and operation must minimize emission of air pollutants.¹⁴ All state funded projects must comply with SB 859 (2016) which requires CDFFA, prior to awarding grant funds from GGFR, to review

¹³ CDFFA, Report of Funded Projects, January 2019.

¹⁴ CDFFA, Report of Funded Projects, January 2019.

a comprehensive analysis identifying any and all potential adverse impacts of a proposed project.¹⁵ SB 859 also requires project proponents to conduct outreach in areas that will potentially be impacted by the projects, determine potential adverse impacts, and commit to measures to mitigate identified impacts. CDFA is also required to prioritize projects based on the criteria pollutant emission benefits achieved by the projects. In sum, these projects are carefully reviewed and provide real, quantifiable environmental benefits to local communities.

5. *Digester Projects Provide Local Environmental Co-Benefits.*

While the GHG reduction benefits of reducing dairy methane are significant and growing, dairy methane reduction projects also provide substantial local environmental co-benefits, including the reduction of criteria pollutants. A recent analysis conducted by the California Air Resources Board (“CARB”), as part of the Dairy Methane Reduction Working Group,¹⁶ documents the tremendous potential for reductions of other emissions including, but not limited to:

- Nitrogen Oxide (NO_x)
- Particulate Matter (PM_{2.5} & PM₁₀)
- Hydrogen Sulfide (H₂S)
- Nitrous Oxide (N₂O)
- Volatile Organic Compounds (VOCs)
- Ammonia (NH₃)

As a result, these efforts provide measurable reductions in odor and reactive organic gas (“ROG”), and provide water quality benefits from improvements in manure management.

6. *Local Community Outreach is Mandatory.*

Finally, all dairy digester projects under the CDFA DDRDP are required to conduct community outreach to seek feedback and involve local community groups in the local planning and environmental review process for the project. These requirements were mirrored in the CPUC’s implementation of the pilot project framework in D.17-12-004.¹⁷ All project impacts (truck traffic, odor, etc.) and community benefits (jobs, air quality, etc.) are required to be presented and discussed at local community outreach meetings. Applicants are also required to

¹⁵ CDFA, Report of Funded Projects, January 2019.

¹⁶ See CARB Emissions Matrix (November 30, 2018), available at: <https://arb.ca.gov/cc/dairy/documents/05-23-18/dairy-emissions-matrix-113018.pdf>.

¹⁷ See D.17-12-004, App. B, p. 11, available at: <https://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M201/K352/201352373.PDF>.

describe how any impacts are being mitigated. Local community engagement has included community-based organizations, *environmental justice organizations*, as well as local schools, colleges, and universities. As part of their report on the DDRDP, CDFA has documented that dairy digesters provide significant odor reduction, reduce impacts to groundwater, and are not expected to create local air quality impacts.¹⁸

In closing, Dairy Cares appreciates the DACAG’s consideration of the information demonstrating the multiple benefits digester projects provide to local communities. We hope this information will help inform DACAG’s consideration of policies that are “effective and useful in disadvantaged communities.”¹⁹

Sincerely,



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cc: CPUC President Batjer
CPUC Commissioner Randolph
CPUC Commissioner Guzman Aceves
CPUC Commissioner Rechtschaffen
CPUC Commissioner Shiroma
CPUC Service List A.19-02-015

¹⁸ CDFA, Report of Funded Projects, January 2019.

¹⁹ California Public Utilities Code Sec. 400(g).