



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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Transmitted via Electronic Mail [[docket@energy.ca.gov](mailto:docket@energy.ca.gov) / [RPS22@energy.ca.gov](mailto:RPS22@energy.ca.gov)]

Commissioner David Hochschild  
California Energy Commission (CEC)  
Dockets Office, MS-4  
1516 Ninth Street  
Sacramento, CA 95814

California Energy Commission

**DOCKETED**

**11-RPS-01**

**TN 72695**

**FEB 14 2013**

RE: **California Energy Commission, Docket No. 11-RPS-01  
RPS Guidebook Scoping Workshop, January 28, 2014**

Commissioner Hochschild and CEC Staff,

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the proposals set forth at the Renewable Portfolio Standard (RPS) Guidebook Scoping Workshop that took place on January 28, 2014. CASA is a statewide association of municipalities, special districts, and joint powers agencies that provide wastewater collection and treatment services to more than 90% of the sewer population of California. Many of CASA's members are actively involved in anaerobic digestion activities that produce biomethane, biogas, clean bioenergy, and low carbon fuels for use in California. CASA representatives testified at the January 28, 2014 workshop in support of proposal Item A, the definition of prime generating equipment for repowering, and we reiterate herein our support for the CEC's proposal to revise the definition of repowering for biogas facilities to be consistent with the definition of repowering for other renewables.

The current RPS Eligibility Guidebook (Guidebook) definition of prime generating equipment for facilities that use biomethane (digester gas) requires the replacement of "the entire digester unit and internal combustion engine or combustion turbine as appropriate."<sup>1</sup> This differs from the definitions of repowering for most other sources of renewable energy identified, which are generally limited to the prime generating equipment itself (i.e. in the case of landfills, only the internal combustion engine or turbine as applicable).<sup>2</sup> The latter definitions are more suitable given that *repowering* is about power generating equipment, not the production of the underlying fuel, and that the digester itself serves multiple purposes besides power generation. This is particularly true in the case of wastewater treatment facilities, where anaerobic digesters currently onsite are an integral part of the treatment process for pathogen destruction and to reduce volatile solids content. The biomethane generated through that process is a useful byproduct, though the production of energy utilizing that biogas is collateral to the digestion process.

<sup>1</sup> *RPS Eligibility Guidebook, May 2013 Edition*, Adopted by the CEC, page 58, Section 1(g), emphasis added.

<sup>2</sup> *RPS Eligibility Guidebook, May 2013 Edition*, Adopted by the CEC, page 58. Section 1(a)-(f).



Changing this definition in the Guidebook is critical to allowing wastewater facilities to participate in the SB 1122 program, currently being developed at the California Public Utilities Commission (CPUC). SB 1122 created a 250 MW renewable Feed-in Tariff (FIT) procurement requirement from small-scale bioenergy projects that commence operation on or after June 1, 2013, including 110 MW for power derived from biogas from wastewater treatment, municipal organic waste diversion, food processing, and codigestion. The recently released proposed decision in that proceeding states:

Section 399.20(f)(2) requires that the Commission limit eligibility for projects seeking a FIT contract pursuant to SB 1122 to projects that “commence operation on or after June 1, 2013.” **Staff relies on the CEC’s *RPS Eligibility Guidebook (7th Edition, April 2013)* for guidance on how to implement this provision of SB 1122...** Staff recommends using the CEC’s definition of “commercial operation date” to determine whether a project is eligible to seek a FIT contract pursuant to SB 1122. (Emphasis added.)

The Guidebook states that “[i]f a facility is repowered as provided in this section, the date it recommences commercial operations after repowering may be used as its commercial operation date for the RPS application instead of its initial commencement date of commercial operations.”<sup>3</sup> Thus, if the CEC revises the Guidebook as proposed, wastewater facilities that replace only their prime generating equipment (and not their digesters) could be SB 1122 eligible by receiving a post-June 1, 2013 commence operation date. This is significant because requiring replacement of both the digester and generating equipment as part of a repower would significantly increase the cost of wastewater bioenergy projects. Practically speaking, no wastewater treatment facility will replace its digesters when repowering simply for the purpose of meeting the CEC eligibility as currently defined, and as a result the current definition will preclude most otherwise-eligible wastewater treatment projects from participating in SB 1122. This is contrary to the state’s policy of encouraging renewable energy at wastewater facilities. Thus, CASA urges the CEC to revise the definition of “repowering” for biogas energy projects to be consistent with the definition of “repowering” for other renewable energy sources.

### Related Workshop Questions

The CEC poses two additional questions related to a possible change in the Guidebook definition for repowering of biogas projects: (1) whether the definition should be different for a biomethane facility receiving gas from either a dedicated pipeline (including onsite) or a common carrier pipeline, and (2) whether there should be a distinction be made for separate ownership of the gas collection or process equipment and the electricity generation facility using biomethane. CASA would suggest that no distinction be made in either of these circumstances, and that a single definition for biomethane that is in line with the requirements for other renewables should suffice. Making a distinction in the Guidebook based on the type of pipeline

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<sup>3</sup> *RPS Eligibility Guidebook, May 2013 Edition*, Adopted by the CEC, page 57.



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used or ownership issues, both of which relate to the source of the fuel itself and not the power generating equipment, could create confusion and unintended consequences as part of what should be a straightforward adjustment to bring the definition of “repowering” for biogas facilities in line with the definition of repowering for other renewables. The definition of repowering should be based on the power generating equipment alone and make no such distinctions.

Thank you for the opportunity to provide comments on this important issue. If you have additional questions or concerns, please do not hesitate to contact Adam D. Link at [alink@casaweb.org](mailto:alink@casaweb.org) or (916) 446-0388.

Sincerely,

Adam D. Link  
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