



May 8, 2017

Via Electronic Mail

Senator Ben Hueso, Chair
Senator Mike Morrell, Vice Chair
Senate Energy, Utilities and Communications Committee
State Capitol, Room 4035
Sacramento, CA 95814

Re: SUPPORT IF AMENDED – Senate Bill 100

Dear Senators Hueso and Morrell,

On behalf of the environmental justice and environmental organizations set forth below, we write to express our support for clean, renewable energy. Senate Bill 100 (de León) expands California's commitment to the energy paradigm shift we need to achieve the Senate Bill 32 climate targets and ultimately the clean economy of 2050. We collectively represent hundreds of thousands of California residents, including frontline community residents.

We appreciate Senate President Pro Tempore De León's leadership on climate and his commitment to environmental justice, and would like to work with him to improve the bill. We have significant concerns about recent amendments related to natural gas. Using natural gas as a transportation fuel ignores the necessity and technical feasibility of zero emission trucks to achieve the greenhouse gas reductions and health benefits California needs.

The bill directs the Public Utilities Commission to construct the pipeline infrastructure to directly benefit sources of biomethane or renewable gas, including biomass facilities and anaerobic digesters at factory farm dairies. Ratepayers will pay for such infrastructure. Subsidized pipeline infrastructure in the southern San Joaquin Valley to support dairy anaerobic digesters will also subsidize and allow the oil and gas industry in that area to market fossil fuel natural gas produced in the Kern County and Monterey Shale oil fields.

Factory farm dairies (facilities which do not primarily rely on pasture-based grazing) have massive life-cycle air, water, and climate emissions not mitigated by anaerobic digester technology. The dairies in the San Joaquin Valley are the region's largest source of ozone-forming volatile organic compounds (VOC), mostly from corn silage emissions. Dairies in the Valley emit massive amounts of ammonia, which like VOC, act as a precursor to ammonium nitrate, the Valley's most prevalent form of PM2.5. With significant air pollution from the factory farm dairy industry, the Valley air basin ranks as the worst in the United States and where one in five children need to carry inhalers to school. Finally, dairies substantially contribute to nitrate pollution of groundwater such that rural communities reliant on such water cannot turn on the faucet and drink a glass of water. San Joaquin Valley communities, already subject to multiple environmental and social impacts and rank among the most disadvantaged in California, deserve to live, work, and play in healthy and sustainable communities.

Rather than utilize anaerobic digesters at gigantic factory farm dairies, California's climate policy should emphasize pasture-based dairy operations which avoid manure methane generation and allow healthy pasture to sequester carbon dioxide. Additional co-benefits include avoided VOC emissions from corn silage when cows graze on pasture instead of confinement operations with liquified manure applied to corn fields for nitrogen disposal and corn silage production. The Legislature has already acknowledged that conversion to pasture is a methane reduction strategy. (*See* Food & Ag Code section 412(a)). Biomethane produced at dairy digesters cannot and should not be considered a renewable form of energy and subsidized by the public. We support public funding for pasture-based dairy farms, which represent the future of climate friendly dairy farming.

Agricultural biomass and other forms of biomass should not be burned at all, but instead be composted to create a beneficial reuse of the material and return carbon to the soil. Biomass-based electricity or gas production that emits criteria air pollutants, toxic air contaminants, or greenhouse gas emissions should not be permitted and have no place in our clean energy future.

We appreciate the author's interest to work with us on amendments. Our concerns include those set forth above and the following:

1. The definition of "renewable gas" should be amended to remove/modify the catch-all clause "or any gas that is produced by a process using electricity from an eligible renewable energy resource[.]" (Section 1, proposed Health & Safety Code § 39730.8(a)(5)). This language could be interpreted to allow conventional natural gas extracted by renewable electricity to qualify as renewable energy.
2. Set California on a path towards zero emission goods movement rather than natural gas dependent "near zero" trucks and fuel infrastructure. Natural gas use still results in combustion and carbon dioxide emissions, and a policy that builds out such infrastructure will only entrench the use of such fuel in California's economy.
3. Remove anaerobic digesters and other biomethane generating sources at factory farm dairies from the rate-payer subsidized pipeline infrastructure provision. (Section 2, proposed Health & Safety Code § 39730.8(d)(2)).
4. Redirect California climate policy away from factory farm dairy biomethane production towards policies and programs that eliminate the liquification of manure, which causes

anaerobic methane emissions. California can and should be the world's leader on clean, renewable food policy that favors pasture-based dairy systems and manure composting to achieve co-benefits, including public health and increased capacity to accelerate draw-down of atmospheric CO₂.

5. Ensure that any type of biomass energy or gas production does not emit criteria pollutants or toxic air contaminants. Section 3 adds “non-combustion thermal conversion of the organic byproducts of anaerobic digestion” to the list of eligible biomass conversion materials. Such technology emits air pollutants and should not qualify as clean, renewable energy.
6. Define the term “zero-carbon.” Section 7 calls for energy from “renewable energy resources or zero-carbon electrical generating facilities” to supply all electricity procured to serve California no later than December 31, 2045. The term “zero-carbon” could be interpreted to allow fossil fuel combustion with carbon dioxide emissions offset by other reductions or through sequestration.

We look forward to working with Senate President Pro Tempore De León's to ensure that environmental justice is at the core of California's climate policy. We appreciate and value his environmental justice leadership and look forward to further collaboration to strengthen SB 100 to benefit the most impacted communities of our state and set a strong pathway towards 100 percent clean, renewable energy.

Sincerely,

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