Manure Digesters: Buffalo River Watershed Alliance and other Environmental Organizations Petition for Rulemaking to Deem Such Activities Ineligible for Funds Under the Rural Energy for America Program



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The Buffalo River Watershed Alliance and 42 other environmental organizations (collectively, "BRWA") submitted a Petition to the United States Department of Agriculture Rural Business-Cooperative Service ("RBCS") styled:

PETITION FOR RULEMAKING TO DEEM MANURE DIGESTERS INELIGIBLE FOR FUNDS UNDER THE RURAL ENERGY FOR AMERICA PROGRAM ("Petition").

BRWA argues that RBCS should issue a rule deeming manure digesters ineligible for Rural Energy for America Program ("REAP") grants and loan guarantees.

BRWA argues that:

… Even if manure digesters fit within the definition of renewable energy systems ordinarily eligible for funding under REAP, RBCS has the authority to decline to fund them because they directly undermine Congress's intent that REAP "promote rural economic development" while "provid[ing] environmental and public health benefits such as cleaner air and water."

The organizations further argue that Congress's intent is undermined because they failed to provide many of the benefits that RBCS considers when awarding REAP funding.

Anaerobic digestion is a process through which bacteria break down organic matter – such as animal manure, wastewater biosolids, and food waste. This occurs in the absence of oxygen.

Anaerobic digestion for biogas production takes place in a sealed vessel called a reactor, which is designed and constructed in various shapes and sizes specific to the site and feedstock conditions. These reactors contain complex microbial communities that break down or digest the waste and produce resultant biogas and digestate (the solid and liquid material end-products of the BD process) which is discharged from the digester.

Anaerobic digestion can produce two valuable outputs:

- Biogas.

- Digestate.

Energy and biogas can be used like natural gas to provide heat, generate electricity, and power cooling systems. Further, it can be purified by removing the inner or low-value constituents to generate renewable natural gas.

The digestate is the residual material left after the digestion process. With appropriate treatment, both the solid and liquid portions of digestate can be used in beneficial applications such as animal bedding, nutrient-rich fertilizer, foundation material for bio-based products, and/or as soil amendment.

BRWA's Petition argues:

- Digesters contribute to the loss of small farms in rural communities.
- Cause water and air pollution that harms human health.
- Fail to provide many of the benefits that RBCS must identify and consider when awarding REAP funding.
- RBCS gives preference to projects that seek a grant of $250,000 or less, yet the manure digesters that received grants from fiscal year 2021 to fiscal year 2025 required an average of $855,701, over three times more than RBCS's preferred maximum.
- Studies show that manure digesters typically are unlikely to recoup their high costs.
- Manure digesters that received loan guarantees from fiscal year 2021 to fiscal year 2025 generate an average of 4.5 times less energy per public dollar than solar projects.
- Manure digesters offer only uncertain and incomplete GHG emissions reductions at major cost to taxpayers.
- Making manure digesters ineligible for REAP will free up funds for projects that satisfy REAP's purposes by benefitting small farms, rural communities, the environment, and taxpayers.

The Petition components include:

- FACTUAL BACKGROUND
- LEGAL FRAMEWORK
- RBCS SHOULD DEEM MANURE DIGESTERS INELIGIBLE FOR REAP GRANTS AND LOANS
- Manure digesters undermine REAP's goals by harming small farms, rural economies, rural communities, the environment, and human health.
- Manure digesters fail to provide many of the benefits that RBCS considers when awarding REAP funding.
- PROPOSED REGULATORY LANGUAGE

A copy of the Petition can be found here.