

**Public Testimony Prepared For
The House Consumer Affairs Committee
On**

HB 1349

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Chairman Godshall, Representative Zimmerman, members of the committee; my name is Mike Brubaker. My family and I operate a third generation dairy and poultry farm in East Donegal Township., Lancaster County. East Donegal Township is known nationally for having the most farmland protected from development with conservation easements. We have strived on our farm to have healthy animals, produce high quality food, and take care of the environment; all while being a sustainable business that supports our families and our local economy.

In 2007, we found a technology that would help the farm step up to the next level of achieving all of these goals. We built an anaerobic methane digester and started converting manure methane fuel to electricity in December 2007. The digester has been successfully operating for the past eight years.

I am here today, at a very critical time when I really should be back on the farm, in support of House Bill 1349 because it appears that the proposed legislation would protect family farms, with on farm alternative energy systems like ours, from being caught up in the quagmire of PUC regulations that could put them out of business.

For farms like ours, the digester is an integral part of our dairy system because it is one of the most effective methods to address the environmental concerns and obligations of animal agriculture. Until recently, we never imagined our financial security with these digesters would be at risk from rules made by the Public Utilities Commission.

With rules proposed last year, the PUC nearly put on farm digesters on the road to decommission and almost ensured that investment of future projects by other farm families to address their environmental concerns would cease. While we have worked hard over the past several months to demonstrate to the PUC that farms should not be treated like energy companies, and we believe that they have a solution we can live with, we are concerned that on-farm digesters will always be at the will of changing agendas and goals of the PUC. The sitting PUC and its staff may not have intended squash the future of on farm digesters, but what is to say that future commissions or staff might not inadvertently make the same mistake?

Because we are farmers, not energy companies or utilities, we were not even following PUC public notices, nor should we need to; we have enough regulations to follow. Last year, we were just lucky to have even been aware of the pending rule change that would have swept us up and wiped us out.

It is our hope that legislation that would protect, by law, the intent of on-farm digesters, and would ensure the continued use and expansion of anaerobic digesters to address our environmental obligations in animal agriculture.

Dairy families like mine, who have committed to address environmental compliance with anaerobic digesters (AD), have done so based on the current Alternative Energy Portfolio Standards, which include net metering and do not cap excess selling power. Participating farm families have risked millions of dollars in capital investment and carry debt loads that far exceed their volatile milk income to manage manure. If the ability to get a return on investment and income to maintain the systems is prohibited, farms would not be the only losers.

Who would lose if the digester was not in operation?

- The Chesapeake Bay: Digesters provide advanced management of nutrients thereby reducing the potential for these nutrients traveling through the Commonwealth's streams and rivers and ending up in the bay.
- Our communities: At our farm, we grow feed for our cows in fields that border more than 200 homes. The digested manure is spread on these fields as fertilizer for the crops. Before the manure was digested, it had 10 times the odor; our non-farm neighbors love the digester.
- The environment: Digestion destroys methane, a harmful greenhouse gas. Air quality is improved by more than 21 times with anaerobic digestion.
- The Government and Taxpayers who support it: State and Federal agencies have invested capital through grants and low interest loans into digester projects. This would be wasted taxpayer money if it were economically not feasible to continue operations. Some of the affected agencies would be Pa. DEP, State

Conservation Commission, County Conservation Districts, Pa. Department of Ag,
and U.S. Department of Ag.

- My employees: No digester means less work, fewer jobs.
- My family and the future of our farm: With very volatile milk and feed prices, margins are tight in agriculture; the digester enhances the sustainability of our farm, by addressing many of the issues that can put farms out of business.

Who would win if the digester was not in operation?

- Maybe a handful of large utilities? Dealing with on farm alternative energy systems may seem like a nuisance to these companies, particularly if they are not concerned about environmental, food supply, and Ag sustainability issues.

Perhaps with legislation like HB 1349, the viability of current and future agriculture alternative energy systems will be permanently ensured. I appreciate the opportunity to address the Committee today and am happy to answer any questions now or in the future.

Respectfully submitted,

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