



2/26/2024

The Honorable Janet L. Yellen
Secretary
United States Department of the Treasury
1500 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Section 45V Credit for Production of Clean Hydrogen; Section 48(a)(15) Election to Treat Clean Hydrogen Production Facilities as Energy Property

Dear Secretary Yellen:

On behalf of the Olmsted County Board of Commissioners, I am writing to support the inclusion of waste-to-energy (WTE) in the U.S. Treasury Department's proposed regulations (REG-117631-23) regarding the credit for the production of clean hydrogen under section 45V and the associated energy credit under section 48(a)(15). While the inclusion of WTE is not of importance to us from a tax credit perspective, Olmsted County believes that being able to use WTE-produced "qualified clean hydrogen" to combine with stack carbon dioxide emissions in our WTE decarbonization process is vital to our climate action goals and the future of our solid waste management operation.

Olmsted County is located in the southeast region of Minnesota and is the seventh largest county in the state. Olmsted County is home to the Mayo Clinic and is a diverse and rapidly growing county. The county has owned and operated a WTE facility since 1987 when the board of commissioners made a conscious effort to manage solid waste above ground rather than risk potential groundwater contamination in our sensitive karst topography.

WTE is a proven technology for heating, cooling, industrial processes, and electrical power production that displaces fossil fuels and, at the same time, has a significantly lower carbon footprint compared to landfilling solid waste. For over 40 years, WTE has been defined as renewable in federal statute, most recently in the Inflation Reduction Act. Seventy-six WTE facilities in the U.S. process nearly 94,000 tons of municipal solid waste (MSW) per day, producing 2.5 gigawatts (G.W.s) of electricity.¹ The thermal conversion of waste to electricity through an electrolyzer should be considered clean energy under these proposed regulations to produce hydrogen.

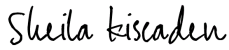
¹ Castaldi, M.J. et al. Scientific Truth About Waste-to-Energy. City College of New York (2021)

WTE eligibility is critical for local governments, which own or rely on WTE as essential to maintaining their municipal infrastructure. By avoiding landfills and focusing instead on recycling and WTE sources, our communities are following the U.S. Environmental Protection Agency's (EPA's) waste hierarchy and reducing greenhouse gas emissions. The proposed regulations should allow renewable electricity from WTE to qualify to produce clean hydrogen.

We are committed to working with the Treasury Department on this critical issue and are available to answer any questions about how this regulation impacts our constituents.

Sincerely,

DocuSigned by:

A handwritten signature in black ink that reads "Sheila Kiscaden". The signature is written in a cursive style.

A32010FD9E2B4DF...
Sheila Kiscaden

Chair, Olmsted County Board of Commissioners

Cc: U.S. Representative Brad Finstad
U.S. Senator Amy Klobuchar
U.S. Senator Tina Smith