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HOUSE BILL 1135

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives McCoy, Chase, Kenney, Hinkle, and Nelson

Read first time 01/14/09. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to exempting agricultural anaerobic digesters from  
2 solid waste handling permitting; amending RCW 70.95.170; and adding a  
3 new section to chapter 70.95 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 70.95.170 and 1998 c 156 s 3 are each amended to read  
6 as follows:

7            Except as provided otherwise in RCW 70.95.305 (~~(e)~~), 70.95.310, or  
8 section 2 of this act, after approval of the comprehensive solid waste  
9 plan by the department no solid waste handling facility or facilities  
10 shall be maintained, established, or modified until the county, city,  
11 or other person operating such site has obtained a permit pursuant to  
12 RCW 70.95.180 or 70.95.190.

13            NEW SECTION. **Sec. 2.** A new section is added to chapter 70.95 RCW  
14 to read as follows:

15            (1) By September 1, 2009, the department and the department of  
16 agriculture, in consultation with the department of health, shall make  
17 available to livestock producers clearly written guidelines for the  
18 anaerobic codigestion of livestock manure and certain organic waste-

1 derived materials. For the purposes of this section, anaerobic  
2 digester has the same definition as provided in RCW 82.08.900.  
3 Anaerobic digesters that meet the criteria under this section are  
4 exempt from solid waste permitting as required under RCW 70.95.170.  
5 The criteria for an exemption includes:

6 (a) The anaerobic digester processes primarily livestock manure;

7 (b) In addition to livestock manure, the anaerobic digester  
8 processes organic waste-derived materials, and any of these materials  
9 that are likely to contain animal byproducts are preconsumer in nature  
10 and source-separated;

11 (c) The anaerobic digester is constructed and operated in  
12 accordance with the national resources conservation service  
13 conservation practice standard 366 in effect as of January 1, 2009;

14 (d) All liquid and solid digestate from the anaerobic digester is  
15 handled as a dairy nutrient in compliance with chapter 90.64 RCW or is  
16 tested to demonstrate a risk to public health that does not exceed that  
17 of class A biosolids as determined under 40 C.F.R. Part 503.32 in  
18 effect as of January 1, 2009, and this testing is made available to the  
19 jurisdictional health department; and

20 (e) The anaerobic digester operator submits an annual report to the  
21 jurisdictional health department that quantifies and characterizes the  
22 nonmanure waste received. The anaerobic digester operator must include  
23 test data if required under (d) of this subsection.

24 (2) If an anaerobic digester does not operate in compliance with  
25 the criteria established for an exemption under subsection (1) of this  
26 section, the facility is subject to the permitting requirements for  
27 solid waste handling under this chapter.

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