
Environment Committee

HB 1070

Brief Description: Regarding the permitting of anaerobic digestion under chapter 70.94 RCW, the clean air act.

Sponsors: Representatives Bailey, Blake, Smith, Chandler, Hope and Morris.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a permitting exemption under the state Clean Air Act for certain anaerobic digesters.

Hearing Date: 1/20/11

Staff: Courtney Barnes (786-7194).

Background:

The Clean Air Act.

The federal Clean Air Act requires all states to have statewide operating permit programs for businesses and industries that are the largest sources of air pollution. The Department of Ecology (Department), the Energy Facility Site Evaluation Council, and any of seven local air quality agencies in Washington have received the U.S. Environmental Protection Agency's approval to administer Washington's Air Operating Permit (AOP) program.

An AOP combines into one document all operational and procedural requirements, applicable regulations, emission standards, monitoring, recordkeeping, and reporting requirements. Washington's AOP regulations are in the state Clean Air Act [RCW 70.94] and chapter 173-401 of the Washington Administrative Code. A facility is required to have an AOP if it has the potential to emit any of the following:

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- more than 100 tons per year of any pollutant such as nitrogen oxides, volatile organic compounds, carbon monoxide, sulfur dioxide, and particulate matter. Lower thresholds may apply in nonattainment areas;
- more than 10 tons per year of any hazardous air pollutant (HAP), as listed the federal Clean Air Act; or
- more than 25 tons per year of a combination of HAPs.

A facility may also be required to have an AOP if it is subject to certain federal air quality requirements, including:

- the Title IV Acid Rain Program;
- New Source Performance Standards (NSPS); or
- National Emission Standard for Hazardous Air Pollutants (NESHAP).

Anaerobic Digestion.

Anaerobic digestion is the bacterial breakdown of organic materials in the absence of oxygen. This biological process produces biogas, which is principally composed of methane and carbon dioxide. Biogas is typically produced from feedstocks such as sewage sludge, livestock manure, and wet organic materials. Anaerobic digesters are devices that use the natural process of anaerobic digestion to treat waste, produce energy, or both.

Summary of Bill:

The Legislature finds that it is in the public interest to encourage and foster the development of clean, renewable energy technology. The Legislature intends to create a limited permitting exemption under the state Clean Air Act [RCW 70.94] for anaerobic digestion.

An anaerobic digester that processes at least 50 percent livestock manure by volume or an engine or flare powered by fuel from an anaerobic digester that processes at least 50 percent livestock manure by volume qualifies for an exemption from the AOP program if:

- (a) The facility has a combined aggregate heat input of less than 10 million British thermal units of energy per hour; and
- (b) The facility's sulfur emissions is 0.1 percent or less of its total emissions.

The Department may make facility recommendations or establish a monitoring program to ensure that an anaerobic digester is being operated consistent with the stated intent of the bill.

Appropriation: None.

Fiscal Note: Preliminary available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.