
Environment Committee

2SSB 5343

Brief Description: Concerning air emissions from anaerobic digesters.

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin and Schoesler).

<p style="text-align: center;">Brief Summary of Second Substitute Bill</p> <ul style="list-style-type: none">• Creates a permitting exemption under the state Clean Air Act for certain generators operating at an electric generating project and makes the exemption retroactive to January 1, 2004.

Hearing Date: 2/17/12

Staff: Anna Jackson (786-7194).

Background:

Air Quality.

Activities affecting Washington's air quality are regulated at federal, state, and local levels. The federal Clean Air Act (federal CAA) establishes both policies for protecting air quality and specific requirements applicable to states and to industries. National Ambient Air Quality Standards (NAAQS) have been established under the authority of the federal CAA. The federal CAA requires states to take action to improve air quality in areas that do not attain NAAQS and to maintain air quality in areas that do. The federal CAA also sets technology-based standards applicable to many individual sources of air pollution.

Washington fulfills its responsibility under the federal CAA through the Washington Clean Air Act (state CAA). The state CAA vests authority to regulate air quality in the Department of Ecology (DOE), the Energy Facility Site Evaluation Council, and any of seven local air authorities in the state. Generally, local air authorities conduct most of the air quality

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

enforcement actions in Washington, and the local air authorities have the power to adopt emission standards more stringent than the state's.

Notice of Construction Permit.

Prior to establishing or modifying a new source or emissions unit that would be required to register with or obtain an operating permit from the DOE or a local air authority, a Notice of Construction (NOC) application must be filed with the applicable agency and must be approved following a new source review. The applicable agency may also require a NOC from any other new source prior to construction, other than a single-family or duplex dwelling or de minimis new sources.

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 feed stocks 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:

Notice of Construction Permit.

The DOE or local air authority may not require a NOC from any proposed new source if the source is exempt from the state CAA.

The State Clean Air Act.

One or more generators operating at an electric generating project are exempt from the requirements of the state CAA if:

- the generators are fueled solely by biogas that is produced by an anaerobic digester that qualifies for a solid waste permitting exemption and contains less than 0.1 percent sulfur after a startup period not exceeding 180 days;
- the aggregate heat input from the generators does not exceed 10 million British thermal units per hour;
- the exemption is permissible under federal law; and
- the generator is not located in a federally designated nonattainment area for hazardous air pollutants under the federal CAA.

Modified generators can retain the exemption if they continue to meet the foregoing requirements.

The exemption applies retroactively to January 1, 2004, with respect to generators that were subject to requirements imposed by the state CAA prior to the effective date of the bill.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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