

SENATE BILL REPORT

SB 5343

As of January 27, 2011

Title: An act relating to air emissions from anaerobic digesters.

Brief Description: Concerning air emissions from anaerobic digesters.

Sponsors: Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin and Schoesler.

Brief History:

Committee Activity: Agriculture & Rural Economic Development: 1/31/11.

SENATE COMMITTEE ON AGRICULTURE & RURAL ECONOMIC DEVELOPMENT

Staff: Sam Thompson (786-7413)

Background: Washington has long promoted anaerobic digesters as renewable energy sources. State incentives include tax exemptions, cost recovery payments, and bioenergy loans. Currently, four commercial digesters in the state generate electricity from biogas derived from livestock manure. Similar digesters are being constructed or planned. In 2009 the Legislature resolved a regulatory issue by exempting livestock manure digesters from a solid waste permitting requirement, under certain conditions.

Generator engines used in digesters are usually not major sources of pollutants that trigger strict federal standards, and states have some discretion in regulating them. In Washington, regional air quality authorities have, pursuant to authority under the state Clean Air Act, required digester operators to obtain air emission permits for digester engines and satisfy monitoring requirements. Requirements in other states vary widely, ranging from permitting exemptions to restrictive conditions in areas with poor air quality.

Summary of Bill: Generators operating at an electric generating project are exempt from state Clean Air Act regulatory requirements if:

- they are fueled solely by biogas from an anaerobic digester qualifying for a solid waste permitting exemption (i.e., livestock manure digesters meeting several environmental requirements and operating guidelines);
- aggregate heat input from the generators does not exceed 10 million British thermal units per hour; and
- the exemption is permissible under federal law.

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.

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

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.