

FINAL BILL REPORT

2SSB 5343

C 238 L 12
Synopsis as Enacted

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).

Senate Committee on Agriculture & Rural Economic Development
House Committee on Environment
Senate Committee on Agriculture, Water & Rural Economic Development
House Committee on General Government Appropriations & Oversight

Background: Washington has long promoted anaerobic digesters as renewable energy sources. State incentives include tax exemptions, cost recovery payments, and bioenergy loans. Currently, five commercial digesters in the state generate electricity from biogas derived from livestock manure, in some instances co-digested with certain organic waste. The first commenced generating operations in 2004. Similar digesters are planned. In 2009 the Legislature resolved a regulatory issue by exempting these digesters from a solid waste permitting requirement, provided that they complied with several environmental safeguards and operating guidelines.

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. Michigan exempts internal combustion engines from air permitting requirements, including generator engines used in digesters, if they have less than 10 million British thermal units per hour maximum heat input.

Summary: An extended compliance period is granted, until December 31, 2016, to certain electric generating projects powered by gas from anaerobic digesters.

The extension covers permit provisions related to the emissions limit for sulfur established by the Department of Ecology (DOE) or a local air authority.

To qualify for this extension, a generator must:

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- be operating at an electric generating project with an installed generator capacity of at least 750 kilowatts, but not exceeding 1000 kilowatts;
- be in operation on the effective date of this act and have begun operating after 2008;
- be located on agricultural lands of long-term commercial significance under the growth management act; and
- not be located in a federally designated nonattainment or maintenance area.

Upon request, DOE or a local air authority must provide technical assistance to a generator meeting the requirements above, in reducing its emissions.

The DOE must submit a report by December 1, 2012, to the appropriate standing committees of the Legislature, containing information regarding the degree to which current state air quality regulations consider different feed sources for anaerobic digesters, and strategies to address the different feed sources used in anaerobic digesters.

Votes on Final Passage:

Senate	42	7	
Senate	41	6	
House	97	0	(House amended)
Senate	45	2	(Senate concurred)

Effective: June 7, 2012