
HOUSE BILL 2717

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Buys and Blake

Read first time 01/28/14. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to clarifying that sheep blood is not a component
2 of sheep processing waste; and amending RCW 70.95.330.

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

4 **Sec. 1.** RCW 70.95.330 and 2009 c 178 s 1 are each amended to read
5 as follows:

6 (1) An anaerobic digester that complies with the conditions
7 specified in this section is exempt from the permitting requirements of
8 this chapter. To qualify for the exemption, an anaerobic digester must
9 meet the following conditions:

10 (a) The owner or operator must provide the department or the
11 jurisdictional health department with at least thirty days' notice of
12 intent to operate under the conditions specified in this section and
13 comply with any guidelines issued under subsection (2) of this section;

14 (b) The anaerobic digester must process at least fifty percent
15 livestock manure by volume;

16 (c) The anaerobic digester may process no more than thirty percent
17 imported organic waste-derived material by volume, and must comply with
18 subsection (3) of this section;

1 (d) The anaerobic digester must comply with design and operating
2 standards in the natural resources conservation service's conservation
3 practice standard code 366 in effect as of July 26, 2009;

4 (e) Digestate must:

5 (i) Be managed in accordance with a dairy nutrient management plan
6 under chapter 90.64 RCW that includes elements addressing management
7 and use of digestate;

8 (ii) Meet compost quality standards concerning pathogens,
9 stability, nutrient testing, and metals before it is distributed for
10 off-site use, or be sent to an off-site permitted compost facility for
11 further treatment to meet compost quality standards; or

12 (iii) Be processed or managed in an alternate manner approved by
13 the department;

14 (f) The owner or operator must allow inspection by the department
15 or jurisdictional health department at reasonable times to verify
16 compliance with the conditions specified in this section; and

17 (g) The owner or operator must submit an annual report to the
18 department or the jurisdictional health department concerning use of
19 nonmanure material in the anaerobic digester and any required
20 compliance testing.

21 (2) By August 1, 2009, the department and the department of
22 agriculture, in consultation with the department of health, shall make
23 available to anaerobic digester owners and operators clearly written
24 guidelines for the anaerobic codigestion of livestock manure and
25 organic waste-derived material. The guidelines must explain the steps
26 necessary for an owner or operator to meet the conditions specified in
27 this section for an exemption from the permitting requirements of this
28 chapter.

29 (3) Any imported organic waste-derived material must:

30 (a) Be preconsumer in nature;

31 (b) Be fed into the anaerobic digester within thirty-six hours of
32 receipt at the anaerobic digester;

33 (c) If it is likely to contain animal by-products, be previously
34 source-separated at a facility licensed to process food by the United
35 States department of agriculture, the United States food and drug
36 administration, the Washington state department of agriculture, or
37 other applicable regulatory agency;

1 (d) If it contains bovine processing waste, be derived from animals
2 approved by the United States department of agriculture food safety and
3 inspection service and not contain any specified risk material;

4 (e) If it contains sheep carcasses or sheep processing waste other
5 than sheep blood, not be fed into the anaerobic digester;

6 (f) Be stored and handled in a manner that protects surface water
7 and groundwater and complies with best management practices;

8 (g) Be received or stored in structures that:

9 (i) Comply with the natural resources conservation service's
10 conservation practice standard code 313 in effect as of July 26, 2009;

11 (ii) Are certified to be effective by a representative of the
12 natural resources conservation service; or

13 (iii) Meet applicable construction industry standards adopted by
14 the American concrete institute or the American institute of steel
15 construction and in effect as of July 26, 2009; and

16 (h) Be managed to prevent migration of nuisance odors beyond
17 property boundaries and minimize attraction of flies, rodents, and
18 other vectors.

19 (4) Digestate that is managed in accordance with a dairy nutrient
20 management plan under chapter 90.64 RCW that includes elements
21 addressing management and use of digestate shall no longer be
22 considered a solid waste. Use of digestate from an anaerobic digester
23 that complies with the conditions specified in this section is exempt
24 from the permitting requirements of this chapter.

25 (5) An anaerobic digester that does not comply with the conditions
26 specified in this section may be subject to the permitting requirements
27 of this chapter. In addition, violations of the conditions specified
28 in this section are subject to provisions in RCW 70.95.315.

29 (6) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise:

31 (a) "Anaerobic digester" means a vessel that processes organic
32 material into biogas and digestate using microorganisms in a
33 decomposition process within a closed, oxygen-free container.

34 (b) "Best management practices" means managerial practices that
35 prevent or reduce water pollution.

36 (c) "Digestate" means both solid and liquid substances that remain
37 following anaerobic digestion of organic material in an anaerobic
38 digester.

1 (d) "Imported" means originating off of the farm or other site
2 where the anaerobic digester is being operated.

3 (e) "Organic waste-derived material" has the same meaning as
4 defined in RCW 15.54.270 and any other organic wastes approved by the
5 department, except for organic waste-derived material collected through
6 municipal commercial and residential solid waste collection programs.

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