

# HOUSE BILL REPORT

## SSB 5919

---

---

**As Passed House:**

March 1, 2024

**Title:** An act relating to the sale of biogenic carbon dioxide and other coproducts of biogas processing.

**Brief Description:** Concerning the sale of biogenic carbon dioxide and other coproducts of biogas processing.

**Sponsors:** Senate Committee on Environment, Energy & Technology (originally sponsored by Senator King).

**Brief History:**

**Committee Activity:**

Environment & Energy: 2/15/24, 2/19/24 [DP].

**Floor Activity:**

Passed House: 3/1/24, 96-0.

**Brief Summary of Substitute Bill**

- Authorizes public utility districts to sell biogenic carbon dioxide and other biogas products.

---

### HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** Do pass. Signed by 13 members: Representatives Doglio, Chair; Mena, Vice Chair; Dye, Ranking Minority Member; Ybarra, Assistant Ranking Minority Member; Abbarno, Barnard, Berry, Duerr, Lekanoff, Ramel, Sandlin, Slatter and Street.

**Staff:** Megan McPhaden (786-7114).

**Background:**

---

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

## Biogas.

Biogas refers to the gasses produced from the anaerobic decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters. Biogas is comprised primarily of methane and carbon dioxide. The methane from biogas can be purified to make renewable natural gas, which consists primarily of the methane from biogas, and is considered a renewable resource.

## Public Utility Districts.

Public utility districts are engaged in the provision of energy, water, sewer, and solid waste services.

Public utility districts may produce renewable natural gas, green electrolytic hydrogen, and renewable hydrogen, and may use these materials for internal operations. Public utility districts may also sell renewable natural gas, green electrolytic hydrogen, or renewable hydrogen at wholesale or to an end-use customer, with specifications.

## **Summary of Bill:**

### Biogenic Carbon Dioxide.

Public utility districts may sell biogenic carbon dioxide and other marketable coproducts from the processing of biogas to an end-use customer or at wholesale.

Biogenic carbon dioxide is carbon dioxide produced from: (1) biogas; (2) the decomposition or processing of biomass; or (3) a byproduct from biological processes in an industrial or manufacturing facility. Biogenic carbon dioxide is not carbon dioxide produced from the combustion or processing of fossil fuels.

**Appropriation:** None.

**Fiscal Note:** Available.

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

## **Staff Summary of Public Testimony:**

(In support) This is a simple bill; it authorizes public utility districts (PUDs) to sell biogenic carbon dioxide (CO<sub>2</sub>) and other biogases. It is a good environmental bill, it is good for PUDs, and it is good for the state. Klickitat PUD has the right to the landfill gas at the Republic landfill in Klickitat county. The PUD has spent millions to collect this gas, which consists of about 52 percent methane, 38 percent CO<sub>2</sub>, and some nitrogen. A couple of

years ago the Legislature authorized PUDs to produce and sell renewable natural gas, which is from the methane. They sell the cleaned methane as part of the Low Carbon Fuel Standard, to markets in California and Washington and elsewhere, but they exhaust the rest of the CO<sub>2</sub>. There is significant interest from others to purchase that CO<sub>2</sub>, which can be used in making sustainable aviation fuel, in food processing, in the manufacturing processes in feedstock, and is being used in a pilot project with Tide detergent and BMW—there are lots of fascinating uses for it. It would take millions of dollars to clean this CO<sub>2</sub> to market grade and to food grade, so the PUD would like clear authority before they make an investment. This bill is the start of this policy conversation around capturing CO<sub>2</sub>. It sets precedent for non-fossil-based sources of CO<sub>2</sub>. There will likely be more policy bills and technologies around this that this committee will likely see next session and in the future.

(Opposed) None.

**Persons Testifying:** Senator Curtis King, prime sponsor; and Dave Warren, Klickitat Public Utility District.

**Persons Signed In To Testify But Not Testifying:** None.