

# SENATE BILL REPORT

## SB 5919

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As Reported by Senate Committee On:  
Environment, Energy & Technology, January 26, 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:** Senator King.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/16/24, 1/26/24 [DPS].

**Brief Summary of First Substitute Bill**

- Authorizes Public Utility Districts to sell biogenic carbon dioxide and other biogas products.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Majority Report:** That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; MacEwen, Ranking Member; Boehnke, Short, Trudeau and Wellman.

**Staff:** Adam Brunmeier (786-7357)

**Background:** Biogas Products. Biogas refers to the gasses produced from the decomposition of organic material. This process produces emissions of gasses such as methane and carbon dioxide. Capture of biogas is a method employed to reduce emissions from organic waste and simultaneously acquire commercially useful products.

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*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.*

One example of a biogas product in the State of Washington is renewable natural gas, a gas consisting largely of methane and commonly used in the generation of electricity. Biogenic carbon dioxide can also be captured and sold, often for use in manufacturing processes or the production of food and beverages.

Public Utility Districts. Public Utility Districts (PUDs) are engaged in the provision of energy, water, sewer, and solid waste services. Several PUDs in Washington State operate solid waste and waste water facilities that generate biogas products. PUDs currently possess the authority to produce and sell renewable natural gas produced by landfills, water treatment facilities, and anaerobic digesters. There is currently no language expressly authorizing the capture or sale of biogenic carbon dioxide.

**Summary of Bill (First Substitute):** Biogenic Carbon Dioxide. PUDs are authorized to sell to an end-use customer or at wholesale biogenic carbon dioxide and other marketable coproducts resulting from the processing of biogas from landfills, anaerobic digesters, and wastewater treatment facilities.

The act provides a definition of biogenic carbon dioxide that includes carbon dioxide produced from the decomposition or oxidation of organic materials, decomposition or processing of biomass, and as a byproduct from biological processes in an industrial or manufacturing facility. Carbon dioxide produced from the combustion or processing of fossil fuels is excluded and does not constitute biogenic carbon dioxide.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):**

- Modifies authority of public utility districts to sell biogenic carbon dioxide and biogas products at wholesale to also permit sale to an end-use customer.
- Modifies the definition of biogenic carbon dioxide to clarify that it includes carbon dioxide produced as a byproduct from biological processes in an industrial or manufacturing facility.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: The authority to produce renewable natural gas from landfills has allowed utilities to produce cleaner energy from what would otherwise be harmful emissions. Carbon Dioxide is a desirable coproduct from the same

process, it would be beneficial to have clear authority to process and sell it. There may also be additional valuable coproducts that can be produced.

**Persons Testifying:** PRO: Senator Curtis King, Prime Sponsor; Jim Smith, Klickitat PUD.

**Persons Signed In To Testify But Not Testifying:** No one.