

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5343

Chapter 238, Laws of 2012

62nd Legislature
2012 Regular Session

ANAEROBIC DIGESTERS--AIR EMISSIONS

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 6, 2012
YEAS 45 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House March 2, 2012
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 30, 2012, 1:13 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5343** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 30, 2012

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5343

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Haugen, Delvin, Hatfield, Honeyford, Becker, Shin, and Schoesler)

READ FIRST TIME 01/23/12.

1 AN ACT Relating to air emissions from anaerobic digesters; adding
2 a new section to chapter 70.94 RCW; and creating new sections.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94 RCW
5 to read as follows:

6 (1) A generator operating at an electric generating project with an
7 installed generator capacity of at least seven hundred fifty kilowatts
8 but not exceeding one thousand kilowatts, that is in operation on the
9 effective date of this act and began operating after 2008, and that is
10 located on agricultural lands of long-term commercial significance
11 pursuant to chapter 36.70A RCW, is granted an extended compliance
12 period for permit provisions related to the emissions limit for sulfur
13 established by the department or a local air authority until December
14 31, 2016, if it is fueled by biogas that is produced by an anaerobic
15 digester that qualifies for the solid waste permitting exemption
16 specified in RCW 70.95.330.

17 (2) A generator that meets the requirements in subsection (1) of
18 this section may not be located in a federally designated nonattainment
19 or maintenance area.

1 (3) Upon request, the department or a local air authority must
2 provide technical assistance to a generator meeting the requirements in
3 subsection (1) of this section to assist the generator in reducing its
4 emissions in order to meet the requirements in this chapter.

5 (4) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

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

10 (b) "Generator" means an internal combustion engine that converts
11 biogas into electricity, and includes any back-up combustion device to
12 burn biogas when an engine is idled for maintenance.

13 NEW SECTION. **Sec. 2.** (1) By December 1, 2012, the department of
14 ecology must submit a report to the appropriate standing committees of
15 the legislature containing information regarding the degree to which
16 current state air quality regulations consider different feed sources
17 for anaerobic digesters and strategies to address the different feed
18 sources used in anaerobic digesters. The department of ecology must
19 consult with interested parties in drafting the report.

20 (2) The definitions in section 1(4) of this act apply throughout
21 this section.

22 NEW SECTION. **Sec. 3.** If specific funding for the purposes of this
23 act, referencing this act by bill or chapter number, is not provided by
24 June 30, 2012, in the omnibus appropriations act, this act is null and
25 void.

Passed by the Senate March 6, 2012.

Passed by the House March 2, 2012.

Approved by the Governor March 30, 2012.

Filed in Office of Secretary of State March 30, 2012.