



Anaerobic Digester Notice of Intent to Operate under Terms and Conditions for Solid Waste Permit Exemption per SSB5797

Identification Number
(For official use only)

PART I. General Information

Name of facility:	Date:
<i>Please check appropriate box and complete dates:</i> <input type="checkbox"/> Currently operating – date started operation _____ <input type="checkbox"/> Plan to start operating on _____	County where anaerobic digester operation is located:

Notification is for the following type of operation (exempted by Substitute Senate Bill 5797).

Other types of operations may require a solid waste handling permit from the local health jurisdiction:
 Anaerobically digesting more than 50% livestock manure and less than 30% imported organic waste-derived material.

<i>Contact Information for (check one):</i> <input type="checkbox"/> Facility owner <input type="checkbox"/> Facility operator <input type="checkbox"/> Facility owner/operator Company Name: Contact Name:	<i>Mailing address for Contact:</i> Street: City: State: Zip: Phone: Fax: e-mail address:
---	--

PART II. Facility Information

Facility Physical Address (if different from above): Street: City: State: Zip:	Facility phone: Fax: e-mail address:
--	--

Location Description/Legal Description of site (if no street address):	List feedstock type (manure, spoiled cheese, food waste):	Feedstock sources (name of dairy or food processor):
--	---	--

Maximum amount of non-manure/non-agriculture waste materials (in cubic yards or gallons) on-site at one time: _____ cubic yards OR _____ gallons Digestate (solid or liquid) is going to: <input type="checkbox"/> Dairy with updated nutrient management plan <input type="checkbox"/> Other (specify): _____ _____	Based on guidelines, list tests to be performed on digestate Based on guidelines, how frequently will testing occur?
---	---

Provide sufficient documents with this notice to allow Ecology and JHD to review the permit exemption status. Documents to submit may include, but not limited to, digester and storage design plans and specifications, digester operation plan, confirmation of updated dairy nutrient management plans, waste transfer documentation, effluent management plans, sampling plans.

Prepared by:	Date:	Phone:
--------------	-------	--------

Anaerobic digester that complies with SSB 5797 conditions is exempt from obtaining a solid waste handling permit:

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

- (a) The owner or operator must provide the department or the jurisdictional health department with at least thirty days' notice of intent to operate under the conditions specified in this section and comply with any guidelines issued;
- (b) The anaerobic digester must process at least fifty percent livestock manure by volume;
- (c) The anaerobic digester may process no more than thirty percent imported organic waste-derived material by volume, and must comply with subsection (3);
- (d) The anaerobic digester must comply with design and operating standards in the natural resources conservation service's conservation practice standard code 366 in effect as of the effective date of this section;
- (e) Digestate must:
 - (i) Be managed in accordance with a dairy nutrient management plan under chapter 90.64 RCW that includes elements addressing management and use of digestate;
 - (ii) Meet compost quality standards concerning pathogens, stability, nutrient testing, and metals before it is distributed for off-site use, or be sent to an off-site permitted compost facility for further treatment to meet compost quality standards; or
 - (iii) Be processed or managed in an alternate manner approved by the department;
- (f) The owner or operator must allow inspection by the department or jurisdictional health department at reasonable times to verify compliance with the conditions specified in this section; and
- (g) The owner or operator must submit an annual report to the department or the jurisdictional health department concerning use of nonmanure material in the anaerobic digester and any required compliance testing.

(2) *Guidelines text deleted from this form.*

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

- (a) Be preconsumer in nature;
- (b) Be fed into the anaerobic digester within thirty-six hours of receipt at the anaerobic digester;
- (c) If it is likely to contain animal byproducts, be previously source-separated at a facility licensed to process food by the United States department of agriculture, the United States food and drug administration, the Washington state department of agriculture, or other applicable regulatory agency;
- (d) If it contains bovine processing waste, be derived from animals approved by the United States department of agriculture food safety and inspection service and not contain any specified risk material;
- (e) If it contains sheep carcasses or sheep processing waste, not be fed into the anaerobic digester;
- (f) Be stored and handled in a manner that protects surface Water and groundwater and complies with best management practices;
- (g) Be received or stored in structures that:
- (i) Comply with the natural resources conservation service's conservation practice standard code 313 in effect as of the effective date of this section;
- (ii) Are certified to be effective by a representative of the natural resources conservation service; or
- (iii) Meet applicable construction industry standards adopted by the American concrete institute or the American institute of steel construction and in effect as of the effective date of this section; and
- (h) Be managed to prevent migration of nuisance odors beyond property boundaries and minimize attraction of flies, rodents, and other vectors.

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

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

Definitions per Substitute Senate Bill 5797, Solid Waste Handling Permits – Requirements - Exemption:

"Agricultural wastes" means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, manure and animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

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

"Best management practices" means managerial practices that prevent or reduce water pollution.

"Digestate" means both solid and liquid substances that remain following anaerobic digestion of organic material in an anaerobic digester.

"Imported" means originating off of the farm or other site where the anaerobic digester is being operated.

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

*If you need this form in another format, please contact Ecology's Waste 2 Resources Program
At 360-407-6900 (Voice), 711, or 1-800-833-6388 (TTY).*