

No. 1994-128

## AN ACT

SB 439

Providing for the construction of six anaerobic manure digesters as demonstration projects at select locations in this Commonwealth; and providing for funding.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Anaerobic Manure Digesters Act.

Section 2. Legislative findings.

The General Assembly finds and declares as follows:

(1) The development of anaerobic manure digesters across this Commonwealth to reduce the nitrogen pollution caused by livestock manure will result in a public benefit.

(2) The purpose of this act is to demonstrate the practical nature and the usefulness of anaerobic manure digesters so that Pennsylvania farmers will build digesters for their own use.

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Anaerobic manure digester” or “digester.” A machine that allows manure to decompose anaerobically, releasing methane which is used to drive an electrical generator supplying power to the farm and surplus power which can be sold to an electric utility.

“Board.” The Anaerobic Manure Digester Board.

“PEO.” The Pennsylvania Energy Office.

Section 4. Development of anaerobic manure digesters.

(a) General rule.—

(1) The Commonwealth shall finance 80% of the cost of construction of up to six anaerobic manure digesters as demonstration projects at selected working farms in this Commonwealth where livestock is raised. Farmers utilizing digesters shall pay the remaining 20% of the cost of digester construction.

(2) After two years of successful digester operation, farmers shall repay funds advanced by the Commonwealth for digester construction in equal installments over 15 years with no interest charge.

(3) Should a digester fail to operate, farmers attempting to utilize that digester shall not be required to repay funds advanced by the Commonwealth for construction.

(b) Application for demonstration projects.—An application form shall be prepared by the PEO for farmers or groups of farmers to request that a digester be built on their farms or built at a central location. On the application form, farmers or groups of farmers shall describe how they will use the digester to its maximum advantage.

(c) Inspections and demonstrations.—The following requirements shall apply to selected demonstration projects:

(1) The digesters shall be used continuously and shall be available for inspection by farmers and other members of the public.

(2) If a digester is built on a farm, the owner shall allow persons to visit at convenient times.

(3) The owner shall provide space for visitors and for appropriate research to be conducted on the digester's operation.

(4) Where a digester is built for use by several farms, it shall be constructed to allow for maximum public viewing.

(d) Design.—Each digester shall be designed so as to eliminate the use of complex equipment or machinery to allow most of the necessary maintenance to be performed solely by the farmer.

#### Section 5. The Anaerobic Manure Digester Board.

(a) Establishment.—There is established within the PEO an Anaerobic Manure Digester Board.

(b) Composition.—The board shall be appointed by the Governor and shall be composed of the following:

(1) Two persons who own and operate on a continuous basis an anaerobic manure digester.

(2) One person from an electric utility.

(3) One soil nutrient management specialist.

(4) One livestock farmer who does not own a digester.

(5) One person from an environmental protection organization.

(6) One person who shall represent the public.

(c) Expenses of board members.—The members of the board shall not be entitled to compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members of the board.

#### Section 6. Digester construction.

(a) PEO duties.—The PEO shall supervise the construction of up to six anaerobic manure digesters provided for in this act.

(b) Board duties.—The board shall:

(1) Advise PEO as to a site and a design for digesters.

(2) Consider the feasibility of adopting a single basic design that may be copied easily by others.

(3) Approve a digester before releasing funds for its construction.

#### Section 7. Funding.

(a) Availability of funds.—Financing of the construction of anaerobic manure digesters shall be provided to the extent that funds are available.

(b) Use of specific appropriation, contributions and other payments.—The Pennsylvania Energy Office is authorized to use funds specifically appropriated by the General Assembly for the purposes of this act and any funds, contributions or payments which may be made available to it by the Federal Government or by any public or private source for the purpose of implementing the provisions of this act.

(c) Center for Rural Pennsylvania.—The Pennsylvania Energy Office is authorized to submit eligible projects to the Center for Rural Pennsylvania for financing from funds appropriated to the center.

(d) Department of Agriculture.—With the concurrence of the Pennsylvania Energy Office, projects eligible for financing under this act shall be eligible for financing under the Agricultural Technology Loan Program in the Department of Agriculture.

(e) Department of Commerce.—The Pennsylvania Energy Office is authorized to submit eligible projects under this act to the Department of Commerce for financing under the Ben Franklin/IRC Partnership Fund.  
Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 12th day of December, A.D. 1994.

ROBERT P. CASEY