

Agricultural Waste Return/Transfer Agreement

(Anaerobic Digester Digestate)

1. Purpose

Use this form if you:

- Are a dairy operating an Anaerobic Digester (“AD”), or are receiving digestate from an AD; and
- Intend to return or transfer agricultural waste (i.e., AD digestate, solid manure or bedding produced from digested manure solids) to:
 - another licensed dairy; or
 - a farm field owned by another, but is included in your Dairy Nutrient Management Plan (“DNMP”); and
- Must account for the return or transfer in order to develop or update your DNMP.

Legal Disclaimer: This form is to be used for the limited purposes of developing, updating and implementing your DNMP, including transferring digestate in a manner consistent with Chapter 70.95.330(4) RCW. There are no representations either made or intended regarding its suitability for any other purpose. You should consult an attorney regarding your intended transfer of agricultural waste and the desirability of a more comprehensive agreement defining your legal relationship with the Importer.

2. Background

All dairies in Whatcom County are subject to regulation by the following federal, state or local laws:

- Federal Clean Water Act (Title 33 USC Sec. 1251 et seq.),
- State Livestock Nutrient Management Act (Chapter 90.64 et seq. RCW),
- State Water Pollution Control Act (Chapter 90.48 et seq. RCW),
- Whatcom County Critical Areas Ordinance (WCC Sec.16.16 et seq.)

Additionally, an AD must comply with Chapter 70.95 RCW in order to maintain an exemption from a solid waste permitting requirement. That law requires that all digestate be managed in accordance with a DNMP under Chapter 90.64 RCW that includes elements addressing management and use of digestate. This form facilitates the transfer and management of digestate consistent with these two statutory mandates.

3. Persons Involved in this Agreement

In consideration of the exchange of promises set forth below, this agreement is entered by and between:

Exporter (Dairy transferring or returning agricultural waste)

Name of Owner or Operator: _____

Name of Licensed Dairy: _____

and Importer (The dairy/farm receiving the agricultural waste)

Name of Owner or Operator: _____

Name of Licensed Dairy/Farm: _____

Address: _____

City and ZIP: _____

Phone: (_____) _____ - _____

Email: _____

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4. Term of Agreement

The transfer of manure under this agreement will:

- Begin date: ____/____/____, and
- End date: ____/____/____, or
- When revoked in writing by either the transferor or transferee.

5. Importer's Agreements [Complete Section 5.1 or 5.2 as applicable]

5.1. I operate or own a licensed dairy and agree to receive:

- 5.1.1. _____ Pounds of N from AD as liquid digestate
- 5.1.2. _____ Pounds of N from AD as solid manure
- 5.1.3. _____ Tons or Yards of bedding produced from digested manure solids

I certify that before receiving and applying any of the agricultural waste received under this agreement, my DNMP will be updated (if necessary) to properly address the receipt of these nutrients and the management and use of AD digestate.

_____/_____/_____
Importer Date

5.2. I operate or own a non-dairy farm and agree to receive:

- 5.2.1. _____ Pounds of N from AD as liquid digestate
- 5.2.2. _____ Pounds of N from AD as solid manure
- 5.2.3. _____ Tons or Yards of bedding produced from digested manure solids

I consent to the fields to which agricultural waste is received pursuant to this agreement be incorporated into and made subject to the Exporter's DNMP. I understand that in giving this consent, the Washington State Department of Agriculture may inspect the fields and records showing agronomic applications to them.

_____/_____/_____
Importer Date

6. Exporter's Agreements

I will supply agricultural waste in the amounts set forth above along with a receipt showing the amount and a copy of the most current nutrient analysis.

- 6.1. I accept the control over the fields receiving the agricultural waste pursuant to this agreement as part of my DNMP. Before applying any of the agricultural waste received under this agreement, my DNMP will be updated (if necessary) to properly address the application of these nutrients and the management and use of AD digestate to importer's fields.

_____/_____/_____
Exporter Date