

SHB 2296 - S COMM AMD

By Committee on Energy, Natural Resources & Marine Waters

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 80.50.020 and 2010 c 152 s 1 are each reenacted and
4 amended to read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Alternative energy resource" includes energy facilities of the
8 following types: (a) Wind; (b) solar energy; (c) geothermal energy;
9 (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based
10 on solid organic fuels from wood, forest, or field residues, or
11 dedicated energy crops that do not include wood pieces that have been
12 treated with chemical preservatives such as creosote,
13 pentachlorophenol, or copper-chrome-arsenic.

14 (2) "Applicant" means any person who makes application for a site
15 certification pursuant to the provisions of this chapter.

16 (3) "Application" means any request for approval of a particular
17 site or sites filed in accordance with the procedures established
18 pursuant to this chapter, unless the context otherwise requires.

19 (4) "Associated facilities" means storage, transmission, handling,
20 or other related and supporting facilities connecting an energy plant
21 with the existing energy supply, processing, or distribution system,
22 including, but not limited to, communications, controls, mobilizing or
23 maintenance equipment, instrumentation, and other types of ancillary
24 transmission equipment, off-line storage or venting required for
25 efficient operation or safety of the transmission system and overhead,
26 and surface or subsurface lines of physical access for the inspection,
27 maintenance, and safe operations of the transmission facility and new
28 transmission lines constructed to operate at nominal voltages of at
29 least 115,000 volts to connect a thermal power plant or alternative

1 energy facilities to the northwest power grid. However, common carrier
2 railroads or motor vehicles shall not be included.

3 (5) "Biofuel" (~~has the same meaning as defined in RCW 43.325.010~~)
4 includes, but is not limited to: (a) Biodiesel; (b) ethanol and
5 ethanol blend fuels; (c) renewable liquid natural gas or liquid
6 compressed natural gas made from biogas; and (d) a fuel produced from
7 nonfossil biogenic feedstocks that meets the fuel quality technical
8 standards of ASTM International for aviation fuels and coproducts.

9 (6) "Certification" means a binding agreement between an applicant
10 and the state which shall embody compliance to the siting guidelines,
11 in effect as of the date of certification, which have been adopted
12 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to
13 be met prior to or concurrent with the construction or operation of any
14 energy facility.

15 (7) "Construction" means on-site improvements, excluding
16 exploratory work, which cost in excess of two hundred fifty thousand
17 dollars.

18 (8) "Council" means the energy facility site evaluation council
19 created by RCW 80.50.030.

20 (9) "Counsel for the environment" means an assistant attorney
21 general or a special assistant attorney general who shall represent the
22 public in accordance with RCW 80.50.080.

23 (10) "Electrical transmission facilities" means electrical power
24 lines and related equipment.

25 (11) "Energy facility" means an energy plant or transmission
26 facilities: PROVIDED, That the following are excluded from the
27 provisions of this chapter:

28 (a) Facilities for the extraction, conversion, transmission or
29 storage of water, other than water specifically consumed or discharged
30 by energy production or conversion for energy purposes; and

31 (b) Facilities operated by and for the armed services for military
32 purposes or by other federal authority for the national defense.

33 (12) "Energy plant" means the following facilities together with
34 their associated facilities:

35 (a) Any nuclear power facility where the primary purpose is to
36 produce and sell electricity;

37 (b) Any nonnuclear stationary thermal power plant with generating
38 capacity of three hundred fifty thousand kilowatts or more, measured

1 using maximum continuous electric generating capacity, less minimum
2 auxiliary load, at average ambient temperature and pressure, and
3 floating thermal power plants of one hundred thousand kilowatts or more
4 suspended on the surface of water by means of a barge, vessel, or other
5 floating platform;

6 (c) Facilities which will have the capacity to receive liquefied
7 natural gas in the equivalent of more than one hundred million standard
8 cubic feet of natural gas per day, which has been transported over
9 marine waters;

10 (d) Facilities which will have the capacity to receive more than an
11 average of fifty thousand barrels per day of crude or refined petroleum
12 or liquefied petroleum gas which has been or will be transported over
13 marine waters, except that the provisions of this chapter shall not
14 apply to storage facilities unless occasioned by such new facility
15 construction;

16 (e) Any underground reservoir for receipt and storage of natural
17 gas as defined in RCW 80.40.010 capable of delivering an average of
18 more than one hundred million standard cubic feet of natural gas per
19 day; and

20 (f) Facilities capable of (~~processing~~) producing more than
21 twenty-five thousand barrels per day of petroleum or biofuel (~~into~~
22 ~~refined products~~) except where such biofuel production is undertaken
23 at existing industrial facilities.

24 (13) "Independent consultants" means those persons who have no
25 financial interest in the applicant's proposals and who are retained by
26 the council to evaluate the applicant's proposals, supporting studies,
27 or to conduct additional studies.

28 (14) "Land use plan" means a comprehensive plan or land use element
29 thereof adopted by a unit of local government pursuant to chapter
30 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by
31 chapter 325, Laws of 2007.

32 (15) "Person" means an individual, partnership, joint venture,
33 private or public corporation, association, firm, public service
34 company, political subdivision, municipal corporation, government
35 agency, public utility district, or any other entity, public or
36 private, however organized.

37 (16) "Preapplicant" means a person considering applying for a site
38 certificate agreement for any transmission facility.

1 (17) "Preapplication process" means the process which is initiated
2 by written correspondence from the preapplicant to the council, and
3 includes the process adopted by the council for consulting with the
4 preapplicant and with cities, towns, and counties prior to accepting
5 applications for all transmission facilities.

6 (18) "Secretary" means the secretary of the United States
7 department of energy.

8 (19) "Site" means any proposed or approved location of an energy
9 facility, alternative energy resource, or electrical transmission
10 facility.

11 (20) "Thermal power plant" means, for the purpose of certification,
12 any electrical generating facility using any fuel for distribution of
13 electricity by electric utilities.

14 (21) "Transmission facility" means any of the following together
15 with their associated facilities:

16 (a) Crude or refined petroleum or liquid petroleum product
17 transmission pipeline of the following dimensions: A pipeline larger
18 than six inches minimum inside diameter between valves for the
19 transmission of these products with a total length of at least fifteen
20 miles;

21 (b) Natural gas, synthetic fuel gas, or liquefied petroleum gas
22 transmission pipeline of the following dimensions: A pipeline larger
23 than fourteen inches minimum inside diameter between valves, for the
24 transmission of these products, with a total length of at least fifteen
25 miles for the purpose of delivering gas to a distribution facility,
26 except an interstate natural gas pipeline regulated by the United
27 States federal power commission.

28 (22) "Zoning ordinance" means an ordinance of a unit of local
29 government regulating the use of land and adopted pursuant to chapter
30 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state
31 Constitution, or as otherwise designated by chapter 325, Laws of 2007.

32 **Sec. 2.** RCW 80.50.060 and 2007 c 325 s 2 are each amended to read
33 as follows:

34 (1) The provisions of this chapter apply to the construction of
35 energy facilities which includes the new construction of energy
36 facilities and the reconstruction or enlargement of existing energy
37 facilities where the net increase in physical capacity or dimensions

1 resulting from such reconstruction or enlargement meets or exceeds
2 those capacities or dimensions set forth in RCW 80.50.020 (~~((7) and~~
3 ~~(15))~~) (12) and (21). No construction of such energy facilities may be
4 undertaken, except as otherwise provided in this chapter, after July
5 15, 1977, without first obtaining certification in the manner provided
6 in this chapter.

7 (2) The provisions of this chapter apply to the construction,
8 reconstruction, or enlargement of a new or existing energy facility
9 that exclusively uses alternative energy resources and chooses to
10 receive certification under this chapter, regardless of the generating
11 capacity of the project.

12 (3) The provisions of this chapter apply to the construction,
13 reconstruction, or enlargement of a new or existing energy facility
14 that is capable of producing more than two thousand five hundred
15 barrels of biofuel a day and chooses to receive certification under
16 this chapter.

17 (4)(a) The provisions of this chapter apply to the construction,
18 reconstruction, or modification of electrical transmission facilities
19 when:

20 (i) The facilities are located in a national interest electric
21 transmission corridor as specified in RCW 80.50.045;

22 (ii) An applicant chooses to receive certification under this
23 chapter, and the facilities are: (A) Of a nominal voltage of at least
24 one hundred fifteen thousand volts and are located in a completely new
25 corridor, except for the terminus of the new facility or
26 interconnection of the new facility with the existing grid, and the
27 corridor is not otherwise used for electrical transmission facilities;
28 and (B) located in more than one jurisdiction that has promulgated land
29 use plans or zoning ordinances; or

30 (iii) An applicant chooses to receive certification under this
31 chapter, and the facilities are: (A) Of a nominal voltage in excess of
32 one hundred fifteen thousand volts; and (B) located outside an
33 electrical transmission corridor identified in (a)(i) and (ii) of this
34 subsection (~~((3))~~) (4).

35 (b) For the purposes of this subsection, "modify" means a
36 significant change to an electrical transmission facility and does not
37 include the following: (i) Minor improvements such as the replacement
38 of existing transmission line facilities or supporting structures with

1 equivalent facilities or structures; (ii) the relocation of existing
2 electrical transmission line facilities; (iii) the conversion of
3 existing overhead lines to underground; or (iv) the placing of new or
4 additional conductors, supporting structures, insulators, or their
5 accessories on or replacement of supporting structures already built.

6 ~~((+4))~~ (5) The provisions of this chapter shall not apply to
7 normal maintenance and repairs which do not increase the capacity or
8 dimensions beyond those set forth in RCW 80.50.020 ~~((+7) and (+15))~~
9 (12) and (21).

10 ~~((+5))~~ (6) Applications for certification of energy facilities
11 made prior to July 15, 1977, shall continue to be governed by the
12 applicable provisions of law in effect on the day immediately preceding
13 July 15, 1977, with the exceptions of RCW 80.50.190 and 80.50.071 which
14 shall apply to such prior applications and to site certifications
15 prospectively from July 15, 1977.

16 ~~((+6))~~ (7) Applications for certification shall be upon forms
17 prescribed by the council and shall be supported by such information
18 and technical studies as the council may require."

SHB 2296 - S COMM AMD

By Committee on Energy, Natural Resources & Marine Waters

19 On page 1, line 1 of the title, after "facilities;" strike the
20 remainder of the title and insert "amending RCW 80.50.060; and
21 reenacting and amending RCW 80.50.020."

--- END ---