

# FINAL BILL REPORT

## SHB 2402

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Synopsis as Enacted

**Brief Description:** Providing for expedited processing of energy facilities and alternative energy resources.

**Sponsors:** By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Hudgins and B. Sullivan).

**House Committee on Technology, Energy & Communications**  
**Senate Committee on Water, Energy & Environment**

### **Background:**

#### Energy Facility Site Evaluation Council

The Energy Facility Site Evaluation Council (EFSEC) was created in 1970 to provide one-stop licensing for large energy projects. The EFSEC's membership includes mandatory representation from five state agencies and discretionary representation from four additional state agencies. The EFSEC's membership may include representatives from the particular city, county, or port district where potential projects may be located. "In reviewing facility siting applications, the EFSEC must determine whether or not a proposed site is consistent and in compliance with county or regional land use plans or zoning ordinances."

The EFSEC's jurisdiction includes the siting of large intrastate natural gas and petroleum pipelines, electric power plants above 350 megawatts, new oil refineries, large expansions of existing facilities, and underground natural gas storage fields. For electric power plants, the EFSEC's jurisdiction extends to those associated facilities that include new transmission lines that operate in excess of 200 kilovolts and are necessary to connect the plant to the Northwest power grid.

#### Alternative Energy Resource Facilities

Developers of energy facilities that exclusively use alternative energy resources, regardless of the size of the facility's generation capacity, may choose to use the EFSEC process to site the facility. "Alternative energy resources" include wind, solar, geothermal, landfill gas, wave or tidal, untreated wood, and field residues.

#### Expedited Processing

A siting application may be expeditiously processed if the following criteria are not significant enough to warrant the EFSEC's full review: (1) the environmental impact of the proposed energy facility; (2) the area potentially affected; (3) the cost and magnitude of the proposed energy facility; and (4) the degree to which the proposed energy facility represents a change in use of the proposed site. The expedited process does not apply to alternative energy

resource facilities. Under the EFSEC process, the applicant is required to pay the costs of the EFSEC in processing an application.

**Summary:**

Expanding Expedited Processing to Alternative Energy Resource Facilities

All alternative energy resource facilities may apply for expedited processing of its siting application.

Modifying Expedited Processing

The EFSEC may grant an applicant expedited processing of any siting application for certification upon finding that (1) the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level under the State Environmental Policy Act, and (2) the project is found to be consistent and in compliance with city, county or regional land use plans or zoning ordinances. Once the applicant has been awarded expedited processing the EFSEC is not required to commission an independent study to further measure the consequences of the proposed energy facility or alternative energy resource facility on the environment.

Municipal Land Use Plans and Ordinances

City land use plans and zoning ordinances, as well as such county and regional plans and ordinances, must be considered by the EFSEC in reviewing an application, whether or not expedited processing is used.

**Votes on Final Passage:**

|        |    |   |                   |
|--------|----|---|-------------------|
| House  | 93 | 3 |                   |
| Senate | 45 | 0 | (Senate amended)  |
| House  | 97 | 0 | (House concurred) |

**Effective:** June 7, 2006