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**Technology, Energy &  
Communications Committee**

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**HB 1060**

**Brief Description:** Changing provisions concerning the siting of alternative energy facilities.

**Sponsors:** Representatives Hudgins, Linville, Morris and Chase.

**Brief Summary of Bill**

- Prohibits a person from seeking site certification from EFSEC for a similar alternative energy resource project in a similar geographic area for two years, if the project is first denied by a local government.

**Hearing Date:** 1/10/07

**Staff:** Scott Richards (786-7156).

**Background:**

An alternative energy resource may be sited in accordance with local land use requirements or through the Energy Facility Site Evaluation Council permitting process.

**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

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operate in excess of 115 kilovolts and are necessary to connect the plant to the Northwest power grid. The EFSEC's jurisdiction includes the siting of electrical transmission facilities in excess of 115 kilovolts in national interest electric transmission corridors as designated by the United States Department of Energy or the Federal Energy Regulatory Commission under Section 1221 of the National Energy Policy Act. Also, the EFSEC's may site energy facilities of any size that exclusively use alternative energy resources, if the project applicant chooses to use the EFSEC review and certification process.

### **EFSEC Site Evaluation Process**

The EFSEC siting process generally involves six steps: (1) a potential site study followed by an application; (2) State Environmental Policy Act review; (3) review for consistency with applicable local land use laws and plans; (4) a formal adjudication on all issues related to the project; (5) certain air and water pollution discharge permitting reviews as delegated by the U.S. Environmental Protection Agency; and (6) a recommendation to the Governor who then decides whether to accept, reject, or remand the application. A certification agreement approved by the Governor preempts any other state or local regulation concerning the location, construction, and operational conditions of an energy facility.

### **Alternative Energy Resource**

Alternative energy resource means wind, solar energy, geothermal energy, landfill gas, wave or tidal action or biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

### **Summary of Bill:**

A person is prohibited from seeking site certification from EFSEC for a similar project in a similar geographic area for two years, if the project using alternative energy resources is first denied by a local government.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.