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**Technology, Energy &  
Communications Committee**

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**HB 1061**

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

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

**Brief Summary of Bill**

- Eliminates the minimum generating capacity of a thermal power plant for site certification through the Energy Facility Site Evaluation Council (EFSEC).
- Allows a person to combine two or more energy facilities in an energy generation area for site certification through EFSEC.

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

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

**Background:**

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.

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 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

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of the National Energy Policy Act. 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.

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

### **Summary of Bill:**

#### **EFSEC Jurisdiction**

The EFSEC's jurisdiction is extended to site any thermal power plant with generating capacity and its associated facilities.

"Energy generation area" means an area within which the effects of two or more generating plants may accumulate so that the generating plants have effects of magnitude similar to a single generating plant.

Developers of energy facilities may apply to EFSEC to certify two or more project under one application, regardless of the size of the facility's generation capacity.

**Appropriation:** None.

**Fiscal Note:** Requested on January 9, 2007.

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