
SUBSTITUTE HOUSE BILL 1037

State of Washington

60th Legislature

2007 Regular Session

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

READ FIRST TIME 01/22/07.

1 AN ACT Relating to siting electrical transmission under the energy
2 facility site evaluation council; amending RCW 80.50.060; reenacting
3 and amending RCW 80.50.020; and adding a new section to chapter 80.50
4 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 80.50.020 and 2006 c 205 s 1 and 2006 c 196 s 1 are
7 each reenacted and amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Applicant" means any person who makes application for a site
11 certification pursuant to the provisions of this chapter.

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

15 (3) "Person" means an individual, partnership, joint venture,
16 private or public corporation, association, firm, public service
17 company, political subdivision, municipal corporation, government
18 agency, public utility district, or any other entity, public or
19 private, however organized.

1 (4) "Site" means any proposed or approved location of an energy
2 facility.

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

9 (6) "Associated facilities" means storage, transmission, handling,
10 or other related and supporting facilities connecting an energy plant
11 with the existing energy supply, processing, or distribution system,
12 including, but not limited to, communications, controls, mobilizing or
13 maintenance equipment, instrumentation, and other types of ancillary
14 transmission equipment, off-line storage or venting required for
15 efficient operation or safety of the transmission system and overhead,
16 and surface or subsurface lines of physical access for the inspection,
17 maintenance, and safe operations of the transmission facility and new
18 transmission lines constructed to operate at nominal voltages in excess
19 of 115,000 volts to connect a thermal power plant or alternative energy
20 facilities to the northwest power grid. However, common carrier
21 railroads or motor vehicles shall not be included.

22 (7) "Transmission facility" means any of the following together
23 with their associated facilities:

24 (a) Crude or refined petroleum or liquid petroleum product
25 transmission pipeline of the following dimensions: A pipeline larger
26 than six inches minimum inside diameter between valves for the
27 transmission of these products with a total length of at least fifteen
28 miles;

29 (b) Natural gas, synthetic fuel gas, or liquefied petroleum gas
30 transmission pipeline of the following dimensions: A pipeline larger
31 than fourteen inches minimum inside diameter between valves, for the
32 transmission of these products, with a total length of at least fifteen
33 miles for the purpose of delivering gas to a distribution facility,
34 except an interstate natural gas pipeline regulated by the United
35 States federal power commission;

36 (c) Electrical transmission facilities in excess of 115,000 volts
37 in national interest electric transmission corridors as designated by
38 the United States secretary of the department of energy or the federal

1 energy regulatory commission pursuant to section 1221 of the national
2 energy policy act, and such rules and regulations as the secretary or
3 the federal energy regulatory commission adopts to implement the act;

4 (d) Electrical transmission lines and related equipment designed
5 for or capable of operating at a nominal voltage of at least one
6 hundred fifteen thousand volts.

7 (8) "Independent consultants" means those persons who have no
8 financial interest in the applicant's proposals and who are retained by
9 the council to evaluate the applicant's proposals, supporting studies,
10 or to conduct additional studies.

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

14 (10) "Energy facility" means an energy plant or transmission
15 facilities: PROVIDED, That the following are excluded from the
16 provisions of this chapter:

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

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

22 (11) "Council" means the energy facility site evaluation council
23 created by RCW 80.50.030.

24 (12) "Counsel for the environment" means an assistant attorney
25 general or a special assistant attorney general who shall represent the
26 public in accordance with RCW 80.50.080.

27 (13) "Construction" means on-site improvements, excluding
28 exploratory work, which cost in excess of two hundred fifty thousand
29 dollars.

30 (14) "Energy plant" means the following facilities together with
31 their associated facilities:

32 (a) Any stationary thermal power plant with generating capacity of
33 three hundred fifty thousand kilowatts or more, measured using maximum
34 continuous electric generating capacity, less minimum auxiliary load,
35 at average ambient temperature and pressure, and floating thermal power
36 plants of one hundred thousand kilowatts or more, including associated
37 facilities. For the purposes of this subsection, "floating thermal

1 power plants" means a thermal power plant that is suspended on the
2 surface of water by means of a barge, vessel, or other floating
3 platform;

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

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

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

18 (e) Facilities capable of processing more than twenty-five thousand
19 barrels per day of petroleum into refined products.

20 (15) "Land use plan" means a comprehensive plan or land use element
21 thereof adopted by a unit of local government pursuant to chapter
22 35.63, 35A.63, 36.70, or 36.70A RCW.

23 (16) "Zoning ordinance" means an ordinance of a unit of local
24 government regulating the use of land and adopted pursuant to chapter
25 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state
26 Constitution.

27 (17) "Alternative energy resource" means: (a) Wind; (b) solar
28 energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal
29 action; or (f) biomass energy based on solid organic fuels from wood,
30 forest, or field residues, or dedicated energy crops that do not
31 include wood pieces that have been treated with chemical preservatives
32 such as creosote, pentachlorophenol, or copper-chrome-arsenic.

33 (18) "Secretary" means the secretary of the United States
34 department of energy.

35 **Sec. 2.** RCW 80.50.060 and 2006 c 196 s 4 are each amended to read
36 as follows:

37 (1) Except as provided in subsections (2) and (4) of this section,

1 the provisions of this chapter shall apply to the construction of
2 energy facilities which includes the new construction of energy
3 facilities and the reconstruction or enlargement of existing energy
4 facilities where the net increase in physical capacity or dimensions
5 resulting from such reconstruction or enlargement meets or exceeds
6 those capacities or dimensions set forth in RCW 80.50.020 (7) and (14).
7 No construction of such energy facilities may be undertaken, except as
8 otherwise provided in this chapter, after July 15, 1977, without first
9 obtaining certification in the manner provided in this chapter.

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

15 (3) The provisions of this chapter apply to the construction of new
16 electrical transmission facilities or the modification of existing
17 electrical transmission facilities in a national interest electric
18 transmission corridor designated by the secretary.

19 (4) The provisions of this chapter apply to the construction of new
20 electrical transmission facilities and the reconstruction or expansion
21 of existing electrical transmission facilities where the person
22 developing the new or expanded electrical transmission facilities
23 chooses to receive certification under this chapter.

24 (5) The provisions of this chapter shall not apply to normal
25 maintenance and repairs which do not increase the capacity or
26 dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

27 ~~((+5))~~ (6) Applications for certification of energy facilities
28 made prior to July 15, 1977 shall continue to be governed by the
29 applicable provisions of law in effect on the day immediately preceding
30 July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which
31 shall apply to such prior applications and to site certifications
32 prospectively from July 15, 1977.

33 ~~((+6))~~ (7) Applications for certification shall be upon forms
34 prescribed by the council and shall be supported by such information
35 and technical studies as the council may require.

36 NEW SECTION. Sec. 3. A new section is added to chapter 80.50 RCW
37 to read as follows:

1 (1) On or after July 1, 2009, for applications to site electrical
2 transmission facilities under RCW 80.50.060(4), the council must
3 approve applications for siting of electrical transmission facilities
4 in corridors designated for this purpose by a county or city under
5 chapter 36.70A RCW where the county or city has:

6 (a) Identified electrical transmission facility corridors as part
7 of its comprehensive plan under chapter 36.70A RCW and has adopted
8 policies and maps that guide the siting of electrical transmission
9 facilities;

10 (b) Adopted development regulations under chapter 36.70A RCW that
11 implement the siting of electrical transmission facilities; and

12 (c) Coordinated its applicable plan and regulations with those
13 jurisdictions that have common borders or related regional electrical
14 transmission facility siting issues.

15 (2) The provisions of subsection (1) of this section are intended
16 to limit the council's authority to certify the location of electrical
17 transmission facilities but not the regulation, construction, and
18 operational conditions of the electrical transmission facilities.

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