

HOUSE BILL REPORT

SHB 1570

As Amended by the Senate

Title: An act relating to siting of energy facility projects.

Brief Description: Providing notice to the department of defense before siting energy facility projects.

Sponsors: House Committee on Technology, Energy & Communications (originally sponsored by Representatives Chandler and Morris).

Brief History:

Committee Activity:

Technology, Energy & Communications: 1/28/11, 2/4/11 [DPS].

Floor Activity:

Passed House: 2/22/11, 94-0.

Senate Amended.

Passed Senate: 4/12/11, 45-0.

Brief Summary of Substitute Bill

- Requires the Energy Facility Site Evaluation Council, counties, cities, and towns to notify the United States Department of Defense upon receipt of an application to site, certify, or permit certain electrical generating facilities.

HOUSE COMMITTEE ON TECHNOLOGY, ENERGY & COMMUNICATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives McCoy, Chair; Crouse, Ranking Minority Member; Short, Assistant Ranking Minority Member; Anderson, Billig, Carlyle, Dahlquist, Eddy, Frockt, Haler, Harris, Hasegawa, Jacks, Liias, McCune, Morris and Nealey.

Staff: Scott Richards (786-7156).

Background:

Siting of Electrical Generating Facilities.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The siting of an electrical generating facility in Washington may be permitted through local site permitting processes or through the Energy Facility Site Evaluation Council (EFSEC) site certification process. Thermal electrical generation facilities with electrical generating capacity of 350 megawatts (MW) or more are subject to review by the EFSEC. Smaller thermal electrical power facilities below this threshold are subject to permitting requirements of counties, cities, or towns. Additionally, developers of alternative energy electrical generation facilities of any size may choose to receive site certification through the EFSEC review process rather than through local site permitting processes.

Energy Facility Site Evaluation Council.

The EFSEC provides a "one-stop" siting process for major energy facilities in Washington. The EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities in Washington. The EFSEC specifies the conditions of construction and operation. If approved, a site certification agreement is issued in lieu of any other individual state or local agency permits.

The EFSEC is comprised of a chair appointed by the Governor, and representatives from five state agencies. Agencies represented on the EFSEC include: (1) the Department of Commerce; (2) the Department of Ecology; (3) the Department of Fish and Wildlife; (4) the Department of Natural Resources; and (5) the Utilities and Transportation Commission. When an application to site a facility is submitted to the EFSEC, representatives from particular cities, counties, or port districts potentially affected by the project are added to the EFSEC for proceedings related to the project.

The following electrical generating facilities subject to review by the EFSEC are: (1) any stationary thermal (non-hydro) power plants with electrical generating capacity of 350 MW or more including associated facilities such as transmission lines in excess of 115 kilovolts; and (2) floating thermal power plants of 100 MW (100,000 kilowatts) or more. Alternative energy resources eligible for site certification under the EFSEC include: (1) wind; (2) solar energy; (3) geothermal energy; (4) landfill gas; (5) wave or tidal action; or (6) 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 Substitute Bill:

Notification of the United States Department of Defense.

Upon receipt of an application for an energy facility site certification proposing an energy plant or alternative renewable energy facility that is connected to transmission facilities of a nominal voltage of at least 115 thousand volts, the Energy Facility Site Evaluation Council (EFSEC) must notify in writing the United States Department of Defense (U.S. Department of Defense). Upon receipt of an application for a permit to site an energy plant that is connected to transmission facilities of a nominal voltage of at least 115 thousand volts, a county, city, or town (local government) must notify in writing the U.S. Department of Defense.

Notification Contents and Purpose.

The notification to the U.S. Department of Defense must include: (1) a description of the proposed energy plant or alternative renewable energy facility; (2) the location of the site; (3) the placement of the energy plant or alternative renewable energy facility on the site; (4) the date and time by which comments must be received; and (5) contact information of the EFSEC or the local government permitting agency and the applicant.

The purpose of the written notification is to provide an opportunity for the U.S. Department of Defense to comment upon an application for site certification or a local government site permit, identifying potential issues relating to the placement and operations of an energy plant or an alternative renewable energy facility, before a site certification application is approved through the EFSEC site certification process or through a local government site permitting process. The time period set forth by the EFSEC or a local government for receipt of comments from the U.S. Department of Defense may not extend the time period for the processing of the site certification by the EFSEC or site permitting application by a local government.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment requires local governments to notify the United States Department of Defense when they receive applications to site alternative energy resources. The Senate amendment provides definitions for "alternative energy resource" and "electrical transmission facility" which have the same meaning as defined under chapter governing the Energy Facility Site Evaluation Council (EFSEC). The Senate amendment requires the EFSEC to post on its website the appropriate information for contacting the United States Department of Defense.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) There is no formal notification process for the United States Department of Defense (U.S. Department of Defense) to learn about state and local applications to site energy projects. Last year in Oregon, the U.S. Department of Defense provided comment late into the permitting process about the proposed Shepherd's Flats wind project. The U.S. Department of Defense expressed concerns about the potential disruption these wind turbines may create on the U.S. Department of Defense's aging early missile detection radar system. This bill creates a written courtesy notification to the U.S. Department of Defense so they have an opportunity to express concerns they may have about an energy plant early in the site authorization process.

(In support with concerns) There is concern that the involvement of the U.S. Department of Defense may make the timeline longer than anticipated. An additional provision should be added to the written notification that includes a date by which the U.S. Department of

Defense must respond. To provide more consistent use of terms, the bill should use terms for energy plant and transmission facilities found under the Energy Facility Site Evaluation Council's statute.

(Opposed) none.

Persons Testifying: (In support) Representative Morris.

(In support with concerns) Nancy Atwood, Puget Sound Energy.

Persons Signed In To Testify But Not Testifying: None.