SENATE BILL REPORT
SB 5118

As of January 26, 2011

Title: An act relating to output-based air emission standards.

Brief Description: Concerning output-based air emission standards.

Sponsors: Senators Rockefeller, Ranker, Fraser and Kline.

Brief History:
Committee Activity: Environment, Water & Energy: 1/26/11.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Jan Odano (786-7486)

Background: Historically, environmental regulations for air emissions from power generators and boilers have been input-based. Input-based air emission standards define limits on the amount of emissions that can be produced per unit of fuel (e.g. pounds of pollutant per million Btu of fuel). This approach relies on pollution control devices to reduce the emissions being released into the air. Input-based air emission limits do not account for the benefits of the inherent pollution prevented through more efficient generation of heat or electricity.

Output-based air quality standards regulate emissions based on the end product generated such as electricity or goods, rather than the amount of fuel or heat input used in the process. This type of environmental regulations encourage pollution prevention and energy efficiency. Using efficiency as a pollution control measure results in fewer multiple pollutants emitted; reduces impacts from pollutants to air, water, and solid waste, reduces the use of fossil fuel; and encourages more efficient energy generation such as combined heat and power (CHP).

CHP is the simultaneous production of electricity and heat from a single or common fuel source. These systems can be more energy efficient, emit less pollution, while providing the same heat and electric service as a conventional system. CHP systems burn fuel to turn a generator to produce electricity for buildings or the grid. The waste heat or exhaust from the burned fuel is used to boil water into steam. This steam can be used to turn another turbine, or to cool and heat a building or facility, avoiding combusting additional fuel to generate electricity for these purposes.

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.

Summary of Bill: The Department of Ecology (DOE) and local air pollution control authorities must consider an output-based air emission standards approach when making determinations for air emission permits, orders, and regulations. Output-based air emission standards are defined as emissions limitations based on emissions per unit of product produced. Power plants and cogeneration facilities must use the output-based methodology established under RCW 80.80.040, Public Utilities Greenhouse Gas Emissions – baseload electric generation performance standards.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: CON: This is unnecessary and may conflict with existing state and federal laws. DOE already has the authority to adopt output-based emission standards. The state has already adopted a performance-based emissions standard for utilities. It is not clear to what facilities this would apply and could be interpreted to expand the emissions portfolio standards. This type of regulation should be set at the federal level due to the complexity of the issue and the need to review many similar facilities.

OTHER: DOE has the authority to use output-based standards and has used them as appropriate. However, this bill would require DOE to consider output based emission standards for all determinations and this may slow or impede the decision-making process.

Persons Testifying: CON: Grant Nelson, Association of WA Business; Kathleen Collins, Pacificorp; Bill Stauffacher, NW Pulp and Paper Association, American Forest and Paper Association.

OTHER: Marsh Taylor, DOE.