
SENATE BILL 5951

State of Washington

62nd Legislature

2011 Regular Session

By Senator Hatfield

Read first time 04/18/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to distributed generation; amending RCW 19.285.030;
2 and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that distributing
5 generation from new solar energy systems broadly throughout the state
6 advances state energy policy.

7 **Sec. 2.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
8 read as follows:

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

11 (1) "Attorney general" means the Washington state office of the
12 attorney general.

13 (2) "Auditor" means: (a) The Washington state auditor's office or
14 its designee for qualifying utilities under its jurisdiction that are
15 not investor-owned utilities; or (b) an independent auditor selected by
16 a qualifying utility that is not under the jurisdiction of the state
17 auditor and is not an investor-owned utility.

1 (3) "Biomass energy system" means a generation facility that
2 produces biomass energy and the system:

3 (a) Commenced commercial operation before March 31, 1999; and

4 (b) Is located in a county in Washington: (i) That has a three-
5 year average unemployment rate that is equal to or greater than one
6 hundred twenty percent of the state's unemployment rate; or (ii)
7 adjacent to a county identified in (b)(i) of this subsection.

8 (4) "Commission" means the Washington state utilities and
9 transportation commission.

10 ~~((+4))~~ (5) "Conservation" means any reduction in electric power
11 consumption resulting from increases in the efficiency of energy use,
12 production, or distribution.

13 ~~((+5))~~ (6) "Cost-effective" has the same meaning as defined in RCW
14 80.52.030.

15 ~~((+6))~~ (7) "Council" means the Washington state apprenticeship and
16 training council within the department of labor and industries.

17 ~~((+7))~~ (8) "Customer" means a person or entity that purchases
18 electricity for ultimate consumption and not for resale.

19 ~~((+8))~~ (9) "Department" means the department of commerce or its
20 successor.

21 ~~((+9))~~ (10) "Distributed generation" means: (a) An eligible
22 renewable resource where the generation facility or any integrated
23 cluster of such facilities has a generating capacity of not more than
24 five megawatts; (b) no more than twenty average megawatts in any
25 calendar year from a solar energy system; or (c) no more than ten
26 average megawatts in any calendar year from a biomass energy system.

27 ~~((+10))~~ (11) "Eligible renewable resource" means:

28 (a) Electricity from a generation facility powered by a renewable
29 resource other than fresh water that commences operation after March
30 31, 1999, where: (i) The facility is located in the Pacific Northwest;
31 or (ii) the electricity from the facility is delivered into Washington
32 state on a real-time basis without shaping, storage, or integration
33 services; ~~((+))~~

34 (b) Incremental electricity produced as a result of efficiency
35 improvements completed after March 31, 1999, to hydroelectric
36 generation projects owned by a qualifying utility and located in the
37 Pacific Northwest or to hydroelectric generation in irrigation pipes

1 and canals located in the Pacific Northwest, where the additional
2 generation in either case does not result in new water diversions or
3 impoundments; or

4 (c) Electricity from distributed generation that produces biomass
5 energy.

6 ~~((11))~~ (12) "Investor-owned utility" has the same meaning as
7 defined in RCW 19.29A.010.

8 ~~((12))~~ (13) "Load" means the amount of kilowatt-hours of
9 electricity delivered in the most recently completed year by a
10 qualifying utility to its Washington retail customers.

11 ~~((13))~~ (14) "Nonpower attributes" means all environmentally
12 related characteristics, exclusive of energy, capacity reliability, and
13 other electrical power service attributes, that are associated with the
14 generation of electricity from a renewable resource, including but not
15 limited to the facility's fuel type, geographic location, vintage,
16 qualification as an eligible renewable resource, and avoided emissions
17 of pollutants to the air, soil, or water, and avoided emissions of
18 carbon dioxide and other greenhouse gases.

19 ~~((14))~~ (15) "Pacific Northwest" has the same meaning as defined
20 for the Bonneville power administration in section 3 of the Pacific
21 Northwest electric power planning and conservation act (94 Stat. 2698;
22 16 U.S.C. Sec. 839a).

23 ~~((15))~~ (16) "Public facility" has the same meaning as defined in
24 RCW 39.35C.010.

25 ~~((16))~~ (17) "Qualifying utility" means an electric utility, as
26 the term "electric utility" is defined in RCW 19.29A.010, that serves
27 more than twenty-five thousand customers in the state of Washington.
28 The number of customers served may be based on data reported by a
29 utility in form 861, "annual electric utility report," filed with the
30 energy information administration, United States department of energy.

31 ~~((17))~~ (18) "Renewable energy credit" means a tradable
32 certificate of proof of at least one megawatt-hour of an eligible
33 renewable resource where the generation facility is not powered by
34 fresh water, the certificate includes all of the nonpower attributes
35 associated with that one megawatt-hour of electricity, and the
36 certificate is verified by a renewable energy credit tracking system
37 selected by the department.

1 ~~((+18+))~~ (19) "Renewable resource" means: (a) Water; (b) wind; (c)
2 solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean,
3 or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
4 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
5 on land cleared from old growth or first-growth forests where the
6 clearing occurred after December 7, 2006; and (i) biomass energy based
7 on animal waste or solid organic fuels from wood, forest, or field
8 residues, food waste, yard waste, organic by-products of pulping and
9 the wood manufacturing process, or dedicated energy crops that do not
10 include (i) wood pieces that have been treated with chemical
11 preservatives such as creosote, pentachlorophenol, or copper-chrome-
12 arsenic; (ii) ~~((black liquor by product from paper production; (iii))~~
13 wood from old growth forests; or ~~((+iv+))~~ (iii) municipal solid waste.

14 ~~((+19+))~~ (20) "Rule" means rules adopted by an agency or other
15 entity of Washington state government to carry out the intent and
16 purposes of this chapter.

17 ~~((+20+))~~ (21) "Year" means the twelve-month period commencing
18 January 1st and ending December 31st.

19 (22) "Solar energy system" means any device or combination of
20 devices or elements that rely upon direct sunlight as an energy source
21 for use in the generation of electricity and at least one-half of the
22 system is manufactured in Washington and the system:

- 23 (a) Is located in Washington; and
- 24 (b) Has by July 31, 2012, either:
 - 25 (i) A site certification from the energy facility site evaluation
 - 26 council; or
 - 27 (ii) A land use permit from a local government.

28 NEW SECTION. **Sec. 3.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

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