
SENATE BILL 6559

State of Washington

62nd Legislature

2012 Regular Session

By Senators Ranker, Hargrove, and Shin

Read first time 01/31/12. Referred to Committee on Energy, Natural Resources & Marine Waters.

1 AN ACT Relating to modifying the definition of nonpower attributes
2 in the energy independence act; and amending RCW 19.285.030.

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

4 **Sec. 1.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Attorney general" means the Washington state office of the
9 attorney general.

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

15 (3) "Commission" means the Washington state utilities and
16 transportation commission.

17 (4) "Conservation" means any reduction in electric power
18 consumption resulting from increases in the efficiency of energy use,
19 production, or distribution.

1 (5) "Cost-effective" has the same meaning as defined in RCW
2 80.52.030.

3 (6) "Council" means the Washington state apprenticeship and
4 training council within the department of labor and industries.

5 (7) "Customer" means a person or entity that purchases electricity
6 for ultimate consumption and not for resale.

7 (8) "Department" means the department of commerce or its successor.

8 (9) "Distributed generation" means an eligible renewable resource
9 where the generation facility or any integrated cluster of such
10 facilities has a generating capacity of not more than five megawatts.

11 (10) "Eligible renewable resource" means:

12 (a) Electricity from a generation facility powered by a renewable
13 resource other than freshwater that commences operation after March 31,
14 1999, where: (i) The facility is located in the Pacific Northwest; or
15 (ii) the electricity from the facility is delivered into Washington
16 state on a real-time basis without shaping, storage, or integration
17 services; or

18 (b) Incremental electricity produced as a result of efficiency
19 improvements completed after March 31, 1999, to hydroelectric
20 generation projects owned by a qualifying utility and located in the
21 Pacific Northwest or to hydroelectric generation in irrigation pipes
22 and canals located in the Pacific Northwest, where the additional
23 generation in either case does not result in new water diversions or
24 impoundments.

25 (11) "Investor-owned utility" has the same meaning as defined in
26 RCW 19.29A.010.

27 (12) "Load" means the amount of kilowatt-hours of electricity
28 delivered in the most recently completed year by a qualifying utility
29 to its Washington retail customers.

30 (13)(a) "Nonpower attributes" means all environmentally related
31 characteristics, exclusive of energy, capacity reliability, and other
32 electrical power service attributes, that are associated with the
33 generation of electricity from a renewable resource, including but not
34 limited to the facility's fuel type, geographic location, vintage,
35 qualification as an eligible renewable resource, and avoided emissions
36 of pollutants to the air, soil, or water, and avoided emissions of
37 carbon dioxide and other greenhouse gases.

1 (b) "Nonpower attributes" does not include any aspects, claims,
2 characteristics, and benefits associated with the on-site capture and
3 destruction of methane or other greenhouse gases at a facility through
4 a digester system, landfill gas collection system, or other mechanism,
5 which may be separately marketable as greenhouse gas emission reduction
6 credits, offsets, or similar tradable commodities.

7 (14) "Pacific Northwest" has the same meaning as defined for the
8 Bonneville power administration in section 3 of the Pacific Northwest
9 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
10 Sec. 839a).

11 (15) "Public facility" has the same meaning as defined in RCW
12 39.35C.010.

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

19 (17) "Renewable energy credit" means a tradable certificate of
20 proof of at least one megawatt-hour of an eligible renewable resource
21 where the generation facility is not powered by freshwater, the
22 certificate includes all of the nonpower attributes associated with
23 that one megawatt-hour of electricity, and the certificate is verified
24 by a renewable energy credit tracking system selected by the
25 department.

26 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar
27 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
28 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
29 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
30 on land cleared from old growth or first-growth forests where the
31 clearing occurred after December 7, 2006; and (i) biomass energy based
32 on animal waste or solid organic fuels from wood, forest, or field
33 residues, or dedicated energy crops that do not include (i) wood pieces
34 that have been treated with chemical preservatives such as creosote,
35 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by-
36 product from paper production; (iii) wood from old growth forests; or
37 (iv) municipal solid waste.

1 (19) "Rule" means rules adopted by an agency or other entity of
2 Washington state government to carry out the intent and purposes of
3 this chapter.

4 (20) "Year" means the twelve-month period commencing January 1st
5 and ending December 31st.

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