

**2SHB 1374 - H AMD 257**

By Representative Morris

ADOPTED AS AMENDED 03/09/2013

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 80.50.010 and 2001 c 214 s 1 are each amended to read  
4 as follows:

5 The legislature finds that the present and predicted growth in  
6 energy demands in the state of Washington requires the development of  
7 a procedure for the selection and utilization of sites for energy  
8 facilities and the identification of a state position with respect to  
9 ~~((each))~~ the proposed site. The legislature also finds that there is  
10 a critical need for infrastructure to ensure the safe and reliable  
11 operations of electrical generation and energy transmission systems in  
12 Washington and the region. The legislature recognizes that the  
13 selection of sites will have a significant impact upon the welfare of  
14 the population, the location and growth of industry and the use of the  
15 natural resources of the state.

16 It is the policy of the state of Washington to recognize the  
17 ~~((pressing))~~ need for increased energy facilities, and to ensure  
18 through available and reasonable methods, that the location and  
19 operation of ~~((such))~~ facilities will produce minimal adverse effects  
20 on the environment, ecology of the land and its wildlife, and the  
21 ecology of state waters and their aquatic life.

22 It is the intent to seek courses of action that will balance the  
23 increasing demands for energy facility location and operation in  
24 conjunction with the broad interests of the public. Such action will  
25 be based on these premises:

26 (1) To assure Washington state citizens that, where applicable,  
27 operational safeguards are at least as stringent as the criteria  
28 established by the federal government and are technically sufficient  
29 for their welfare and protection.

1 (2) To preserve and protect the quality of the environment; to  
2 enhance the public's opportunity to enjoy the esthetic and recreational  
3 benefits of the air, water and land resources; to promote air  
4 cleanliness; and to pursue beneficial changes in the environment.

5 (3) (~~To provide abundant energy at reasonable cost.~~

6 ~~(4))~~) To avoid costs of complete site restoration and demolition of  
7 improvements and infrastructure at unfinished nuclear energy sites, and  
8 to use unfinished nuclear energy facilities for public uses, including  
9 economic development, under the regulatory and management control of  
10 local governments and port districts.

11 ((~~5~~)) (4) To avoid costly duplication in the siting process and  
12 ensure that decisions are made timely and without unnecessary delay.

13 **Sec. 2.** RCW 80.50.020 and 2010 c 152 s 1 are each reenacted and  
14 amended to read as follows:

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly requires otherwise.

17 (1) "Alternative energy resource" includes energy facilities of the  
18 following types: (a) Wind; (b) solar energy; (c) geothermal energy;  
19 (d) landfill gas; (e) wave or tidal action; (~~(f)~~) (f) energy storage;  
20 or (g) biomass energy based on solid organic fuels from wood, forest,  
21 or field residues, or dedicated energy crops that do not include wood  
22 pieces that have been treated with chemical preservatives such as  
23 creosote, pentachlorophenol, or copper-chrome-arsenic.

24 (2) "Applicant" means any person who makes application for a site  
25 certification pursuant to the provisions of this chapter.

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

29 (4) "Associated facilities" means storage, transmission, handling,  
30 or other related and supporting facilities connecting an energy plant  
31 with the existing energy supply, processing, or distribution system,  
32 including, but not limited to, communications, controls, mobilizing or  
33 maintenance equipment, instrumentation, and other types of ancillary  
34 transmission equipment, off-line storage or venting required for  
35 efficient operation or safety of the transmission system and overhead,  
36 and surface or subsurface lines of physical access for the inspection,  
37 maintenance, and safe operations of the transmission facility and new

1 transmission lines constructed to operate at nominal voltages of at  
2 least 115,000 volts to connect a thermal power plant or alternative  
3 energy facilities to the northwest power grid. However, common carrier  
4 railroads or motor vehicles shall not be included.

5 (5) "Biofuel" has the same meaning as defined in RCW 43.325.010.

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

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

15 (8) "Council" means the energy facility site evaluation council  
16 created by RCW 80.50.030.

17 (9) "Counsel for the environment" means an assistant attorney  
18 general or a special assistant attorney general who shall represent the  
19 public (~~in accordance with RCW 80.50.080~~).

20 (10) "Electrical transmission facilities" means electrical power  
21 lines and related equipment.

22 (11) "Energy facility" means an energy plant or transmission  
23 facilities: PROVIDED, That the following are excluded from the  
24 provisions of this chapter:

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

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

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

32 (a) Any nuclear power facility where the primary purpose is to  
33 produce and sell electricity;

34 (b) Any nonnuclear stationary thermal power plant (~~with generating~~  
35 ~~capacity of three hundred fifty thousand kilowatts or more, measured~~  
36 ~~using maximum continuous electric generating capacity, less minimum~~  
37 ~~auxiliary load, at average ambient temperature and pressure,)) and~~

1 floating thermal power plants (~~((of one hundred thousand kilowatts or~~  
2 ~~more))~~ suspended on the surface of water by means of a barge, vessel,  
3 or other floating platform;

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

8 (d) 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 (e) 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 (f) Facilities capable of processing more than twenty-five thousand  
19 barrels per day of petroleum or biofuel into refined products except  
20 where such biofuel production is undertaken at existing industrial  
21 facilities; and

22 (g) Any alternative energy resource.

23 (13) "Independent consultants" means those persons who have no  
24 financial interest in the applicant's proposals and who are retained by  
25 the council to evaluate the applicant's proposals, supporting studies,  
26 or to conduct additional studies.

27 (14) "Land use plan" means a comprehensive plan or land use element  
28 thereof adopted by a unit of local government pursuant to chapter  
29 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by  
30 chapter 325, Laws of 2007.

31 (15) "Person" means an individual, partnership, joint venture,  
32 private or public corporation, association, firm, public service  
33 company, political subdivision, municipal corporation, government  
34 agency, public utility district, or any other entity, public or  
35 private, however organized.

36 (16) "Preapplicant" means a person considering applying for a site  
37 certificate agreement for any transmission facility.

1 (17) "Preapplication process" means the process which is initiated  
2 by written correspondence from the preapplicant to the council, and  
3 includes the process adopted by the council for consulting with the  
4 preapplicant and with cities, towns, and counties prior to accepting  
5 applications for all transmission facilities.

6 (18) "Secretary" means the secretary of the United States  
7 department of energy.

8 (19) "Site" means any proposed or approved location of an energy  
9 facility, alternative energy resource, or electrical transmission  
10 facility.

11 (20) "Thermal power plant" means, for the purpose of certification,  
12 any electrical generating facility (~~((using))~~) combusting any gaseous,  
13 liquid, or solid fuel (~~((for distribution of electricity by electric~~  
14 ~~utilities))~~) or using heat to create steam for the generation of  
15 electricity.

16 (21) "Transmission pipeline facility" means any of the following  
17 together with their associated facilities:

18 (a) Crude or refined petroleum or liquid petroleum product  
19 transmission pipeline of the following dimensions: A pipeline larger  
20 than six inches minimum inside diameter between valves for the  
21 transmission of these products with a total length of at least fifteen  
22 miles;

23 (b) Natural gas, synthetic fuel gas, or liquefied petroleum gas  
24 transmission pipeline (~~((of the following dimensions: A pipeline larger~~  
25 ~~than fourteen inches minimum inside diameter between valves, for the~~  
26 ~~transmission of these products,))~~) with a total length of at least  
27 fifteen miles that operates in excess of twenty percent of the  
28 specified minimum yield strength and the pipeline is used for the  
29 purpose of delivering gas to a distribution facility, except an  
30 interstate natural gas pipeline regulated by the United States federal  
31 power commission; and

32 (c) A transmission pipeline facility may include a pipeline  
33 carrying federally listed hazardous waste to the energy facility.

34 (22) "Zoning ordinance" means an ordinance of a unit of local  
35 government regulating the use of land and adopted pursuant to chapter  
36 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state  
37 Constitution, or as otherwise designated by chapter 325, Laws of 2007.

1       (23) "Electric utility" means an electric utility, as the term  
2 "electric utility" is defined in RCW 19.29A.010.

3       (24) "Proven energy technology" means any energy technology used in  
4 an energy facility offered for sale in the United States and  
5 preapproved by the council.

6       **Sec. 3.** RCW 80.50.030 and 2010 c 271 s 601 and 2010 c 152 s 2 are  
7 each reenacted and amended to read as follows:

8       (1) There is created and established the energy facility site  
9 evaluation council.

10       (2)(a) The chair of the council shall be appointed by the governor  
11 with the advice and consent of the senate, shall have a vote on matters  
12 before the council, shall serve for a term coextensive with the term of  
13 the governor, and is removable for cause. The chair may designate a  
14 member of the council to serve as acting chair in the event of the  
15 chair's absence. The salary of the chair shall be determined under RCW  
16 43.03.040. The chair is a "state employee" for the purposes of chapter  
17 42.52 RCW. As applicable, when attending meetings of the council,  
18 members may receive reimbursement for travel expenses in accordance  
19 with RCW 43.03.050 and 43.03.060, and are eligible for compensation  
20 under RCW 43.03.250.

21       (b) The chair or a designee shall execute all official site  
22 application documents(~~((, contracts,))~~) and other materials on behalf of  
23 the council. The chair shall manage the scheduling of all public  
24 meetings necessary for site certification of an energy facility and  
25 preside over meetings of the council. The Washington utilities and  
26 transportation commission shall provide all administrative and staff  
27 support for the council. The commission has supervisory authority over  
28 the staff of the council and shall employ such personnel as are  
29 necessary to implement this chapter. Not more than three such  
30 employees may be exempt from chapter 41.06 RCW. The utilities and  
31 transportation commission shall serve as the fiscal agent for the  
32 council, ensuring compliance with state law, and shall execute  
33 contracts in consultation with the council. The council shall  
34 otherwise retain its independence in exercising its powers, functions,  
35 and duties (~~((and its supervisory control over nonadministrative staff~~  
36 ~~support))~~) relating to site applications. Membership, powers,

1 functions, and duties of the Washington state utilities and  
2 transportation commission and the council shall otherwise remain as  
3 provided by law.

4 (3)(a) The council shall consist of ~~((the—directors,~~  
5 ~~administrators, or their designees, of the following departments,~~  
6 ~~agencies, commissions, and committees or their statutory successors:~~

- 7 ~~(i) Department of ecology;~~
- 8 ~~(ii) Department of fish and wildlife;~~
- 9 ~~(iii) Department of commerce;~~
- 10 ~~(iv) Utilities and transportation commission; and~~
- 11 ~~(v) Department of natural resources.~~

12 ~~(b) The directors, administrators, or their designees, of the~~  
13 ~~following departments, agencies, and commissions, or their statutory~~  
14 ~~successors, may participate as councilmembers at their own discretion~~  
15 ~~provided they elect to participate no later than sixty days after an~~  
16 ~~application is filed:~~

- 17 ~~(i) Department of agriculture;~~
- 18 ~~(ii) Department of health;~~
- 19 ~~(iii) Military department; and~~
- 20 ~~(iv) Department of transportation.~~

21 ~~(c) Council membership is discretionary for agencies that choose to~~  
22 ~~participate under (b) of this subsection only for applications that are~~  
23 ~~filed with the council on or after May 8, 2001. For applications filed~~  
24 ~~before May 8, 2001, council membership is mandatory for those agencies~~  
25 ~~listed in (b) of this subsection):~~

26 (i) Two members of the growth management hearings board, preferably  
27 with experience or training in energy facilities or environmental  
28 impact analyses under the state environmental policy act;

29 (ii) The director, administrator, or their designee, of the  
30 department of fish and wildlife; and

31 (iii) The director, administrator, or their designee, of the  
32 department of ecology.

33 (b) If the proposed energy facility is proposed to be sited on or  
34 across shorelines of the state, as defined in RCW 90.58.030, or forest  
35 land, as defined in RCW 76.09.020, the chair shall invite, depending on  
36 the impacts, a member from the shorelines hearings board for proposals  
37 that involve shorelines of the state and a designee from the department  
38 of natural resources for proposals that involve forest land to

1 participate as a council member. If a member of the shorelines  
2 hearings board or a designee from the department of natural resources  
3 is invited and participates in the site certification of a proposed  
4 energy facility, that council member or designee shall serve on the  
5 council in place of one of the two growth management hearings board  
6 members.

7 (4) The appropriate county legislative authority of every county  
8 wherein an application for a proposed site is filed shall appoint a  
9 member or designee as a voting member to the council. The member or  
10 designee so appointed shall sit with the council only at such times as  
11 the council considers the proposed site for the county which he or she  
12 represents, and such member or designee shall serve until there has  
13 been a final acceptance or rejection of the proposed site.

14 (5) The city legislative authority of every city within whose  
15 corporate limits an energy facility is proposed to be located shall  
16 appoint a member or designee as a voting member to the council. The  
17 member or designee so appointed shall sit with the council only at such  
18 times as the council considers the proposed site for the city which he  
19 or she represents, and such member or designee shall serve until there  
20 has been a final acceptance or rejection of the proposed site.

21 (6) For any port district wherein an application for a proposed  
22 port facility is filed subject to this chapter, the port district shall  
23 appoint a member or designee as a nonvoting member to the council. The  
24 member or designee so appointed shall sit with the council only at such  
25 times as the council considers the proposed site for the port district  
26 which he or she represents, and such member or designee shall serve  
27 until there has been a final acceptance or rejection of the proposed  
28 site. The provisions of this subsection shall not apply if the port  
29 district is the applicant, either singly or in partnership or  
30 association with any other person.

31 (7) If the proposed energy facility is a nuclear power plant, the  
32 department of health shall appoint a designee from the department as a  
33 voting member of the council. The appointed designee shall sit with  
34 the council only at such times as the council considers the proposed  
35 site for a nuclear power plant, and the designee shall serve until  
36 there has been a final acceptance or rejection of the proposed site.



1       **Sec. 4.** RCW 80.50.040 and 2001 c 214 s 6 are each amended to read  
2 as follows:

3       The council shall have the following powers:

4       (1) To adopt, promulgate, amend, or rescind suitable rules and  
5 regulations, pursuant to chapter 34.05 RCW, to carry out the provisions  
6 of this chapter, and the policies and practices of the council in  
7 connection therewith;

8       (2) To develop and apply environmental and ecological guidelines  
9 and standards in relation to the type, design, location, construction,  
10 and operational conditions of certification of energy facilities  
11 subject to this chapter;

12       (3) To establish rules of practice for the conduct of public  
13 hearings (~~((pursuant to the provisions of the Administrative Procedure  
14 Act, as found in chapter 34.05 RCW))~~);

15       (4) To prescribe the form, content, and necessary supporting  
16 documentation for site certification;

17       (5) To receive applications for energy facility locations and to  
18 investigate the sufficiency thereof;

19       (6) To ~~((make and))~~ enter into contracts, when applicable, for  
20 independent studies of sites proposed by the applicant, subject to the  
21 provisions of RCW 39.26.120;

22       (7) To conduct hearings on the proposed location of the energy  
23 facilities;

24       (8) ~~((To prepare written reports to the governor which shall  
25 include: (a) A statement indicating whether the application is in  
26 compliance with the council's guidelines, (b) criteria specific to the  
27 site and transmission line routing, (c) a council recommendation as to  
28 the disposition of the application, and (d) a draft certification  
29 agreement when the council recommends approval of the application;))~~ To  
30 approve or deny an application for site certification of a proposed  
31 energy facility;

32       (9) To prescribe the means for monitoring of the effects arising  
33 from the construction and the operation of energy facilities to assure  
34 continued compliance with terms of certification and/or permits issued  
35 by the council pursuant to chapter 90.48 RCW or subsection (12) of this  
36 section: PROVIDED, That any on-site inspection required by the council  
37 shall be performed by other state agencies pursuant to interagency

1 agreement: PROVIDED FURTHER, That the council may retain authority for  
2 determining compliance relative to monitoring;

3 (10) To integrate its site evaluation activity with activities of  
4 federal agencies having jurisdiction in such matters to avoid  
5 unnecessary duplication;

6 (11) To present state concerns and interests to other states,  
7 regional organizations, and the federal government on the location,  
8 construction, and operation of any energy facility which may affect the  
9 environment, health, or safety of the citizens of the state of  
10 Washington;

11 (12) To issue permits in compliance with applicable provisions of  
12 the federally approved state implementation plan adopted in accordance  
13 with the Federal Clean Air Act, as now existing or hereafter amended,  
14 for the new construction, reconstruction, or enlargement or operation  
15 of energy facilities: PROVIDED, That such permits shall become  
16 effective only if the (~~governor~~) council approves an application for  
17 certification and executes a certification agreement pursuant to this  
18 chapter: AND PROVIDED FURTHER, That all such permits be conditioned  
19 upon compliance with all provisions of the federally approved state  
20 implementation plan which apply to energy facilities covered within the  
21 provisions of this chapter; (~~and~~)

22 (13) To serve as an interagency coordinating body for energy-  
23 related issues;

24 (14) To develop standards for an expedited siting process for the  
25 state of Washington, local governments, and other political  
26 subdivisions of the state in relation to the type, design, location,  
27 construction, operational conditions, and decommissioning of energy  
28 facilities subject to this chapter; and

29 (15) To enter into interlocal agreements with towns, cities, and  
30 counties for the purpose of issuing site certifications for energy  
31 facilities within the geographic jurisdiction of the local government.

32 NEW SECTION. Sec. 5. A new section is added to chapter 80.50 RCW  
33 to read as follows:

34 (1) Beginning December 1, 2014, the council must use:

35 (a) Council standards as provided under Title 463 WAC for the  
36 siting, construction, operation, and decommissioning of energy  
37 facilities; or

1 (b) For issues not addressed in the standards in (a) and (d) of  
2 this subsection, Oregon Administrative Rules, chapter 345, in effect as  
3 of January 1, 2013, except for the following:

- 4 (i) Oregon Administrative Rule 345-023-0005;
- 5 (ii) Oregon Administrative Rule 345-023-0020;
- 6 (iii) Oregon Administrative Rule 345-023-0030;
- 7 (iv) Oregon Administrative Rule 345-023-0040;
- 8 (v) Oregon Administrative Rule 345-024-0500;
- 9 (vi) Oregon Administrative Rule 345-022-0080; and
- 10 (vii) Oregon Administrative Rule 345-022-0030.

11 (c) When Oregon Administrative Rules reference an Oregon state  
12 agency or other Oregon governmental entity, the council must identify  
13 the most equivalent Washington state agency or governmental entity and  
14 substitute the Washington agency or entity in place of the Oregon state  
15 agency or Oregon governmental entity.

16 (d) To issue a site certificate, the council, after consultation  
17 with appropriate state agencies, must find that:

18 (i) For plant species that the Washington state natural heritage  
19 program has listed as threatened or endangered under chapter 79.70 RCW,  
20 the design, construction, and operation of the proposed facility,  
21 taking into account mitigation:

22 (A) Are consistent with the protection and conservation program, if  
23 any, that the natural heritage program has adopted under chapter 79.70  
24 RCW; or

25 (B) If the natural heritage program has not adopted a protection  
26 and conservation program, are not likely to cause a significant  
27 reduction in the likelihood of survival or recovery of the species; and

28 (ii) For wildlife species that the Washington department of fish  
29 and wildlife has listed as threatened or endangered under RCW  
30 77.12.020, the design, construction, and operation of the proposed  
31 facility, taking into account mitigation, are not likely to cause a  
32 significant reduction in the likelihood of survival or recovery of the  
33 species.

34 (2) The council may issue a site certificate for an energy facility  
35 that does not meet one or more of the standards adopted under  
36 subsection (1) of this section if the council determines that the  
37 overall public benefits of the energy facility outweigh the impact on  
38 the resources protected by the standards the facility does not meet.

1 (3)(a) By December 1, 2014, cities and counties must use the  
2 minimum standards in subsection (1) of this section when permitting  
3 energy facilities.

4 (i) Any local government or political subdivision that is not the  
5 council, with minimum energy facility siting standards adopted prior to  
6 the effective date of this section, is exempt from the provisions of  
7 this section for as long as the existing minimum standards remain in  
8 effect. The minimum standards adopted by the local government or a  
9 political subdivision that is not the council before this section takes  
10 effect may be amended in a manner consistent with this section when  
11 permitting energy facilities applied for under this chapter.

12 (ii) Any local government or political subdivision that is not the  
13 council, when determining the timeline for the environmental review of  
14 the proposed energy facility, may adjust the timeline depending on the  
15 proposed energy facility's compliance with the standards in this  
16 section. If a proposed energy facility meets the energy facility  
17 siting standards, the environmental review of the proposed energy  
18 facility must be completed within six months.

19 (iii) Within one week of submitting an application to either a  
20 local government or political subdivision that is not the council, an  
21 applicant must provide notice of the application to adjacent landowners  
22 who own property located within one mile of the proposed site of the  
23 energy facility. The notice must be provided by mailing the notice to  
24 the latest recorded real property owners, as shown by the records of  
25 the county assessor.

26 (iv) A county, city, or town is authorized to approve an energy  
27 facility only if its land use ordinances are in compliance with the  
28 growth management act and any order issued by the growth management  
29 hearings board.

30 (b) The council and any local government in the state may enter  
31 into, and are encouraged to enter into, an interlocal agreement as  
32 provided under chapter 39.34 RCW for the purpose of authorizing the  
33 council to issue site certifications for energy facilities within the  
34 geographic jurisdiction of the local government. Any such interlocal  
35 agreements may include recognition of jurisdiction or site-specific  
36 characteristics necessary to ensure compatibility for energy facilities  
37 permitted under this chapter.

1 (4)(a) An energy technology company may seek preapproval of its  
2 energy technology by submitting to the council an energy technology  
3 preapproval application to the council. The council shall impose a  
4 charge to cover necessary costs to process the preapproval application.

5 (b) For each preapproval application submitted by an applicant  
6 under (a) of this subsection, the council shall develop through rule  
7 making the standards an energy technology must meet to be a preapproved  
8 energy technology. The applicant is responsible for the cost  
9 associated with the rule making and the council must collect a fee from  
10 the applicant to recover the cost of the rule making.

11 (c) The council shall maintain a list of energy technologies to be  
12 granted expedited environmental review or processing under this chapter  
13 and the specific standards adopted under this subsection.

14 (5) Any person may petition the council to request the adoption,  
15 amendment, or repeal of any council rule as allowed in RCW 34.05.330.  
16 Any person petitioning the council requesting the adoption, amendment,  
17 or repeal of any council rule is responsible for reimbursing the  
18 council for cost associated with adopting, amending, or repealing a  
19 rule.

20 **Sec. 6.** RCW 80.50.045 and 2006 c 196 s 3 are each amended to read  
21 as follows:

22 (1)(a) The council shall consult with other state agencies,  
23 utilities, local municipal governments, public interest groups, tribes,  
24 and other interested persons to convey their views to the secretary and  
25 the federal energy regulatory commission regarding appropriate limits  
26 on federal regulatory authority in the siting of electrical  
27 transmission corridors in the state of Washington.

28 ((+2)) (b) The council is designated as the state authority for  
29 purposes of siting electrical transmission facilities under the  
30 national energy policy act of 2005 and for purposes of other such rules  
31 or regulations adopted by the secretary. The council's authority  
32 regarding electrical transmission facilities is limited to those  
33 electrical transmission facilities that are the subject of section 1221  
34 of the national energy policy act and this chapter.

35 ((+3)) (c) For the construction and modification of electrical  
36 transmission facilities that are the subject of section 1221 of the  
37 national energy policy act, the council may: ((+a)) (i) Approve the

1 siting of the facilities; and ~~((b))~~ (ii) consider the interstate  
2 benefits expected to be achieved by the proposed construction or  
3 modification of the facilities in the state.

4 ~~((4))~~ (d) When developing recommendations as to the disposition  
5 of an application for the construction or modification of electrical  
6 transmission facilities under this chapter, the fuel source of the  
7 electricity carried by the transmission facilities shall not be  
8 considered.

9 (2) The council shall monitor the activities of the federal energy  
10 regulatory commission and may receive notifications for energy projects  
11 located in Washington that are under the regulatory oversight of the  
12 federal energy regulatory commission. These notifications must  
13 include, but are not limited to, project filings, delegated orders,  
14 notices, and the federal energy regulatory commission decisions.

15 **Sec. 7.** RCW 80.50.060 and 2007 c 325 s 2 are each amended to read  
16 as follows:

17 (1)(a) Except as provided under (b) and (c) of this subsection, the  
18 provisions of this chapter apply to the construction of energy  
19 facilities which includes the new construction of energy facilities  
20 ~~((and the reconstruction or enlargement of existing energy facilities~~  
21 ~~where the net increase in physical capacity or dimensions resulting~~  
22 ~~from such reconstruction or enlargement meets or exceeds those~~  
23 ~~capacities or dimensions set forth in RCW 80.50.020 (7) and (15). No~~  
24 ~~construction of such energy facilities may be undertaken, except as~~  
25 ~~otherwise provided in this chapter, after July 15, 1977, without first~~  
26 ~~obtaining certification in the manner provided in this chapter.~~

27 ~~(2) The provisions of this chapter apply to the construction,~~  
28 ~~reconstruction, or enlargement of a new or existing energy facility~~  
29 ~~that exclusively uses alternative energy resources and chooses to~~  
30 ~~receive certification under this chapter, regardless of the generating~~  
31 ~~capacity of the project))~~ if the applicant chooses to receive  
32 certification under this chapter.

33 ~~((3))~~ (b) Any proposed nuclear power facility in Washington,  
34 where the primary purpose is to produce and sell electricity, must  
35 apply to the council for site certification.

36 (c) Any proposed transmission pipeline facility in Washington must  
37 apply to the council for site certification.

1        (2)(a) The provisions of this chapter apply to the construction,  
2 reconstruction, or modification of electrical transmission facilities  
3 when:

4        (i) The facilities are located in a national interest electric  
5 transmission corridor as specified in RCW 80.50.045;

6        (ii) An applicant chooses to receive certification under this  
7 chapter, and the facilities are: (A) Of a nominal voltage of at least  
8 one hundred fifteen thousand volts and are located in a completely new  
9 corridor, except for the terminus of the new facility or  
10 interconnection of the new facility with the existing grid, and the  
11 corridor is not otherwise used for electrical transmission facilities;  
12 and (B) located in more than one jurisdiction that has promulgated land  
13 use plans or zoning ordinances; or

14        (iii) An applicant chooses to receive certification under this  
15 chapter, and the facilities are: (A) Of a nominal voltage in excess of  
16 one hundred fifteen thousand volts; and (B) located outside an  
17 electrical transmission corridor identified in (a)(i) and (ii) of this  
18 subsection (~~((+3))~~) (2).

19        (b) For the purposes of this subsection, "modify" means a  
20 significant change to an electrical transmission facility and does not  
21 include the following: (i) Minor improvements such as the replacement  
22 of existing electrical transmission line facilities or supporting  
23 structures with equivalent facilities or structures; (ii) the  
24 relocation of existing electrical transmission line facilities; (iii)  
25 the conversion of existing overhead lines to underground; or (iv) the  
26 placing of new or additional conductors, supporting structures,  
27 insulators, or their accessories on or replacement of supporting  
28 structures already built.

29        (~~((+4))~~) (3) The provisions of this chapter shall not apply to  
30 normal maintenance and repairs which do not increase the capacity or  
31 dimensions (~~((beyond those set forth in RCW 80.50.020 (7) and (15))~~) of  
32 an energy facility.

33        (4) The provisions of this chapter do not apply to an energy  
34 facility that previously has been approved or denied by a local  
35 government.

36        (5) Applications for certification of energy facilities made prior  
37 to July 15, 1977, shall continue to be governed by the applicable  
38 provisions of law in effect on the day immediately preceding July 15,

1 1977, with the exceptions of RCW 80.50.190 and 80.50.071 which shall  
2 apply to such prior applications and to site certifications  
3 prospectively from July 15, 1977.

4 (6) Applications for certification shall be upon forms prescribed  
5 by the council and shall be supported by such information and technical  
6 studies as the council may require.

7 NEW SECTION. **Sec. 8.** A new section is added to chapter 80.50 RCW  
8 to read as follows:

9 (1) Each applicant for a site certificate shall submit to the  
10 council a preliminary application for a site certificate. The  
11 preliminary application must provide information about the proposed  
12 site and the characteristics of the energy facility sufficient for the  
13 preparation of the council's notice of application requirements. The  
14 preliminary application must specify whether the proposed energy  
15 facility will comply with local land use ordinances in the jurisdiction  
16 or jurisdictions in which it is proposed.

17 (2)(a) The chair of the council shall provide notice to the public  
18 within three working days of receiving a preliminary application.  
19 Within one week of submitting a preliminary application to the council,  
20 an applicant must provide notice of the application to adjacent  
21 landowners by mailing the notice to the latest recorded real property  
22 owners, as shown by the records of the county assessor, who own  
23 property located within one mile of the proposed site of the energy  
24 facility. The public notice must provide a description of the proposed  
25 site and facility in sufficient detail to inform the public of the  
26 location and proposed use of the site.

27 (b) After the chair of the council provides public notice, a city,  
28 county, or regional planning authority may not change land use plans or  
29 zoning ordinances so as to affect the proposed site.

30 (3) Within three working days after the chair of the council  
31 provides public notice, an applicant for a site certification shall  
32 distribute the preliminary application to any agency that has  
33 regulatory or advisory responsibility with respect to the facility and  
34 any city or county affected by the application.

35 (4) No more than thirty-five days after receiving a preliminary  
36 application, the chair of the council shall issue a notice of  
37 application requirements establishing the statutes, administrative



1 rules, council standards, local ordinances, application requirements,  
2 and study requirements for the site certificate application. The chair  
3 of the council may consider whether the proposed facility is in  
4 compliance with city, county, or regional land use plans or zoning  
5 ordinances and may specify additional requirements in the notice of  
6 application based on a review of plans and ordinances where the  
7 proposed facility is to be located.

8 (5) Following issuance of the notice of application requirements,  
9 an applicant must submit an application for site certification  
10 consistent with the notice of application.

11 (6) The chair of the council shall determine within fifteen days of  
12 submission of the application whether an application meets the  
13 council's requirements.

14 NEW SECTION. **Sec. 9.** A new section is added to chapter 80.50 RCW  
15 to read as follows:

16 (1)(a) Following requirements set forth under chapter 43.21C RCW,  
17 the chair must oversee an environmental review of the proposed energy  
18 facility.

19 (b) After the chair of the council determines whether an  
20 application meets council requirements as provided under section 8 of  
21 this act, the chair shall within three working days initiate a scoping  
22 process to determine the range of proposed actions, alternatives, and  
23 impacts to be examined in the environmental impact statement.

24 (c) The chair of the council shall notify any agency that has  
25 regulatory or advisory responsibility with respect to the facility and  
26 any city or county affected by the application of the scoping process.

27 (d) Within thirty days of initiating the scoping process, the chair  
28 of the council shall conduct a public hearing and submit scoping  
29 recommendations to the council in order for the council to establish a  
30 timeline for the environmental review of the proposed energy facility.

31 (e) Within fourteen days of receiving the timeline recommendations  
32 from the chair of the council, the council must determine whether the  
33 environmental review process as required under chapter 43.21C RCW for  
34 the proposed energy facility must be completed within six months,  
35 twelve months, or longer. In determining the timeline, the council may  
36 adjust the timeline depending on the proposed energy facility's  
37 compliance with the standards under section 5 of this act. If a

1 proposed energy facility meets the energy facility siting standards  
2 under section 5 of this act, the environmental review of the proposed  
3 energy facility must be completed within six months. The environment  
4 review for proposed energy facilities that do not meet the standards in  
5 section 5 of this act must be completed within twelve months, unless  
6 the council determines that due to the complexity of the proposed  
7 energy facility, the environmental review should be longer.

8 (f) If the council establishes an environmental review process for  
9 more than six months, the attorney general shall appoint an assistant  
10 attorney general as a counsel for the environment. The counsel for the  
11 environment shall represent the public and its interest in protecting  
12 the quality of the environment. Costs incurred by the counsel for the  
13 environment in the performance of these duties must be charged to the  
14 office of the attorney general, and may not be a charge against the  
15 appropriation to the energy facility site evaluation council. The  
16 counsel for the environment must be accorded all the rights,  
17 privileges, and responsibilities of an attorney representing a party in  
18 a formal action. This section may not be construed to prevent any  
19 person from being heard or represented by counsel in accordance with  
20 the other provisions of this chapter.

21 (g) Within the timeline established by the council, the chair of  
22 the council shall publish a draft environmental impact statement,  
23 solicit comments on the draft environmental impact statement, hold a  
24 public hearing on the draft environmental impact statement, consider  
25 comments received on the draft environmental impact statement, and  
26 submit to the council a recommended final environmental impact  
27 statement. In submitting the recommended final environmental impact  
28 statement to the council, the chair shall specify whether there are any  
29 disputed items based on public input provided during the development of  
30 the recommended final environmental impact statement.

31 (i) If there are disputed items in the recommended final  
32 environmental impact statement, the council shall hold a public hearing  
33 within fifteen days on the draft environmental impact statement under  
34 this subsection (1)(g). At the hearing, the chair shall provide a  
35 report to the council regarding the recommended environmental impact  
36 statement and regarding the disputed items in the recommended  
37 environmental impact statement. The issues that may be considered at  
38 the public hearing under this subsection are limited to those issues

1 raised during the preliminary application process and during the  
2 environmental review process that lead to the development of the  
3 recommended environmental impact statement. The chair shall specify to  
4 the council the basis for decisions made relating to the disputed items  
5 contained in the recommended final environmental impact statement.  
6 Based on the input of the chair, the applicant, and the public at the  
7 public hearing, the council may elect to address the disputed items  
8 from the recommended environmental impact statement in the final  
9 environmental impact statement. The council shall issue the final  
10 environmental impact statement within fifteen days of the public  
11 hearing required under this subsection.

12 (ii) If there are no disputed items in the recommended final  
13 environmental impact statement, the chair shall submit to the council  
14 the recommended final environmental impact statement within fifteen  
15 days of the public hearing under this subsection (1)(g) and the council  
16 shall adopt the recommended final environmental impact statement as the  
17 final environmental impact statement.

18 (2) The council may contract with independent consultants to review  
19 information from the public hearing and to prepare the draft and final  
20 environmental impact assessments.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 80.50 RCW  
22 to read as follows:

23 (1) Within fifteen days of issuing the final environmental impact  
24 statement, the chair of the council shall prepare and issue an initial  
25 order and draft site certification based on the final environmental  
26 impact statement.

27 (2) Within fifteen days of receiving an initial order and draft  
28 site certification, the council must make a final decision on the  
29 application. The council must either approve the application and  
30 execute the draft certification agreement or reject the application for  
31 site certification. If the council fails to make a final decision, the  
32 initial order submitted by the chair becomes the final order on the  
33 fifteenth day following receipt of the initial order.

34 **Sec. 11.** RCW 80.50.071 and 2011 c 261 s 1 are each amended to read  
35 as follows:

36 (1) The council shall receive all preliminary applications and

1 applications for energy facility site certification under this chapter.  
2 Each applicant shall pay such reasonable costs as are actually and  
3 necessarily incurred by the council in processing a preliminary  
4 application or an application.

5 (a) Each applicant shall, at the time of application submission,  
6 deposit fifty thousand dollars, or such greater amount as may be  
7 specified by the council after consultation with the applicant. Costs  
8 that may be charged against the deposit include, but are not limited  
9 to, independent consultants' costs, councilmember's wages, employee  
10 benefits, costs of a hearing examiner, costs of a court reporter, staff  
11 salaries, wages and employee benefits, goods and services, travel  
12 expenses, and miscellaneous direct expenses as arise directly from  
13 processing an application.

14 (b) The council may commission its own independent consultant study  
15 to measure the consequences of the proposed energy facility on the  
16 environment or any matter that it deems essential to an adequate  
17 appraisal of the site. The council shall provide an estimate of the  
18 cost of the study to the applicant and consider applicant comments.

19 (c) The council shall submit to each applicant a statement of such  
20 expenditures made during the preceding calendar quarter which shall be  
21 in sufficient detail to explain such expenditures. The applicant shall  
22 pay the state treasurer the amount of such statement to restore the  
23 total amount on deposit to the originally established level: PROVIDED,  
24 That such applicant may, at the request of the council, increase the  
25 amount of funds on deposit to cover anticipated expenses during peak  
26 periods of application processing. Any funds remaining unexpended at  
27 the conclusion of application processing shall be refunded to the  
28 applicant, or at the applicant's option, credited against required  
29 deposits of certificate holders.

30 (2) Each certificate holder shall pay such reasonable costs as are  
31 actually and necessarily incurred by the council for inspection and  
32 determination of compliance by the certificate holder with the terms of  
33 the certification relative to monitoring the effects of construction,  
34 operation, and site restoration of the facility.

35 (a) Each certificate holder, within thirty days of execution of the  
36 site certification agreement, shall have on deposit fifty thousand  
37 dollars, or such greater amount as may be specified by the council  
38 after consultation with the certificate holder. Costs that may be

1 charged against the deposit include, but are not limited to, those  
2 specified in subsection (1)(a) of this section as arise from inspection  
3 and determination of compliance by the certificate holder with the  
4 terms of the certification.

5 (b) The council shall submit to each certificate holder a statement  
6 of such expenditures actually made during the preceding calendar  
7 quarter which shall be in sufficient detail to explain such  
8 expenditures. The certificate holder shall pay the state treasurer the  
9 amount of such statement to restore the total amount on deposit to the  
10 originally established level: PROVIDED, That if the actual  
11 expenditures for inspection and determination of compliance in the  
12 preceding calendar quarter have exceeded the amount of funds on  
13 deposit, such excess costs shall be paid by the certificate holder.

14 (3) If an applicant or certificate holder fails to provide the  
15 initial deposit, or if subsequently required payments are not received  
16 within thirty days following receipt of the statement from the council,  
17 the council may (a) in the case of the applicant, suspend processing of  
18 the application until payment is received; or (b) in the case of a  
19 certificate holder, suspend the certification.

20 (4) All payments required of the applicant or certificate holder  
21 under this section are to be made to the state treasurer who shall make  
22 payments as instructed by the council from the funds submitted. All  
23 such funds shall be subject to state auditing procedures. Any  
24 unexpended portions thereof shall be returned to the applicant or  
25 certificate holder.

26 (5)(a) Upon receipt of an application for an energy facility site  
27 certification proposing an energy plant (~~(or alternative energy~~  
28 ~~resource))~~) that is connected to electrical transmission facilities of  
29 a nominal voltage of at least one hundred fifteen thousand volts, the  
30 council shall notify in writing the United States department of  
31 defense. The notification shall include, but not be limited to, the  
32 following:

33 (i) A description of the proposed energy plant or alternative  
34 energy resource;

35 (ii) The location of the site;

36 (iii) The placement of the energy plant or alternative energy  
37 resource on the site;

1 (iv) The date and time by which comments must be received by the  
2 council; and

3 (v) Contact information of the council and the applicant.

4 (b) The purpose of the written notification is to provide an  
5 opportunity for the United States department of defense to comment upon  
6 the application, and to identify potential issues relating to the  
7 placement and operations of the energy plant or alternative energy  
8 resource, before a site certification application is approved. The  
9 time period set forth by the council for receipt of such comments shall  
10 not extend the time period for the council's processing of the  
11 application.

12 (c) In order to assist local governments required to notify the  
13 United States department of defense under RCW 35.63.270, 35A.63.290,  
14 and 36.01.320, the council shall post on its web site the appropriate  
15 information for contacting the United States department of defense.

16 **Sec. 12.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to read  
17 as follows:

18 (1) Any person filing an application for certification of an energy  
19 facility (~~((or an alternative energy resource facility))~~) pursuant to  
20 this chapter may apply to the council for an expedited processing of  
21 such an application. The application for expedited processing shall be  
22 submitted to the council in such form and manner and accompanied by  
23 such information as may be prescribed by council rule. The council may  
24 grant an applicant expedited processing of an application for  
25 certification upon finding that the environmental impact of the  
26 proposed energy facility is not significant or will be mitigated to a  
27 nonsignificant level under RCW 43.21C.031 (~~((and the project is found  
28 under RCW 80.50.090(2) to be consistent and in))~~). Review must consider  
29 compliance with city, county, or regional land use plans or zoning  
30 ordinances.

31 (2) Upon granting an applicant expedited processing of an  
32 application for certification, the council shall not be required to:

33 (a) Commission an independent study to further measure the  
34 consequences of the proposed energy facility (~~((or alternative energy  
35 resource facility))~~) on the environment, notwithstanding the other  
36 provisions of RCW 80.50.071; nor

1 (b) Hold an adjudicative proceeding under chapter 34.05 RCW, the  
2 administrative procedure act, on the application.

3 (3) The council shall adopt rules governing the expedited  
4 processing of an application for certification pursuant to this  
5 section.

6 **Sec. 13.** RCW 80.50.085 and 2001 c 214 s 5 are each amended to read  
7 as follows:

8 (1) After the council has received a preliminary site application,  
9 council staff shall assist applicants in identifying issues presented  
10 by the preliminary application and the application.

11 (2) Council staff shall review all information submitted and  
12 recommend resolutions to issues in dispute that would allow site  
13 approval.

14 (3) Council staff may make recommendations to the council on  
15 conditions that would allow site approval.

16 **Sec. 14.** RCW 80.50.100 and 2011 c 180 s 109 are each amended to  
17 read as follows:

18 ~~((1)(a) The council shall report to the governor its  
19 recommendations as to the approval or rejection of an application for  
20 certification within twelve months of receipt by the council of such an  
21 application, or such later time as is mutually agreed by the council  
22 and the applicant.~~

23 ~~(b))~~) In the case of an application filed prior to December 31,  
24 2025, for certification of an energy facility proposed for  
25 construction, modification, or expansion for the purpose of providing  
26 generating facilities that meet the requirements of RCW 80.80.040 and  
27 are located in a county with a coal-fired electric ~~((generating~~  
28 ~~[generation])~~) generation facility subject to RCW 80.80.040(3)(c), the  
29 council shall expedite the processing of the application pursuant to  
30 RCW 80.50.075 and shall ~~((report its recommendations to the governor))~~  
31 issue a site certification or reject the site certification application  
32 within one hundred eighty days of receipt by the council of such an  
33 application, or a later time as is mutually agreed by the council and  
34 the applicant.

35 ~~((2) If the council recommends approval of an application for  
36 certification, it shall also submit a draft certification agreement~~

1 with the report. The council shall include conditions in the draft  
2 certification agreement to implement the provisions of this chapter,  
3 including, but not limited to, conditions to protect state or local  
4 governmental or community interests affected by the construction or  
5 operation of the energy facility, and conditions designed to recognize  
6 the purpose of laws or ordinances, or rules or regulations promulgated  
7 thereunder, that are preempted or superseded pursuant to RCW 80.50.110  
8 as now or hereafter amended.

9 (3)(a) Within sixty days of receipt of the council's report the  
10 governor shall take one of the following actions:

11 (i) Approve the application and execute the draft certification  
12 agreement; or

13 (ii) Reject the application; or

14 (iii) Direct the council to reconsider certain aspects of the draft  
15 certification agreement.

16 (b) The council shall reconsider such aspects of the draft  
17 certification agreement by reviewing the existing record of the  
18 application or, as necessary, by reopening the adjudicative proceeding  
19 for the purposes of receiving additional evidence. Such  
20 reconsideration shall be conducted expeditiously. The council shall  
21 resubmit the draft certification to the governor incorporating any  
22 amendments deemed necessary upon reconsideration. Within sixty days of  
23 receipt of such draft certification agreement, the governor shall  
24 either approve the application and execute the certification agreement  
25 or reject the application. The certification agreement shall be  
26 binding upon execution by the governor and the applicant.

27 (4) The rejection of an application for certification by the  
28 governor shall be final as to that application but shall not preclude  
29 submission of a subsequent application for the same site on the basis  
30 of changed conditions or new information.))

31 **Sec. 15.** RCW 80.50.105 and 1991 c 200 s 1112 are each amended to  
32 read as follows:

33 ((In making its recommendations to the governor under this chapter  
34 regarding)) For an application that includes transmission pipeline  
35 facilities for petroleum products, the council shall give appropriate  
36 weight to city or county facility siting standards adopted for the  
37 protection of sole source aquifers.



1           **Sec. 16.** RCW 80.50.110 and 1975-'76 2nd ex.s. c 108 s 37 are each  
2 amended to read as follows:

3           (1) If any provision of this chapter is in conflict with any other  
4 provision, limitation, or restriction which is now in effect under any  
5 other law of this state, or any rule or regulation promulgated  
6 thereunder, this chapter shall govern and control and such other law or  
7 rule or regulation promulgated thereunder shall be deemed superseded  
8 for the purposes of this chapter.

9           (2) The state hereby preempts the regulation and certification of  
10 the location, construction, and operational conditions of certification  
11 of the energy facilities included under RCW 80.50.060 as now or  
12 hereafter amended.

13           (3) For an energy facility interconnecting to an electric utility's  
14 distribution system, the application of standards and terms of a site  
15 certification by the council under this chapter only applies to the  
16 part of the facility within the geographic boundaries of the proposed  
17 facility and not to the electrical interconnection of a facility to the  
18 electric utility's distribution system.

19           **Sec. 17.** RCW 80.50.120 and 1977 ex.s. c 371 s 10 are each amended  
20 to read as follows:

21           Except as provided in RCW 80.50.110:

22           (1) Subject to the conditions set forth therein any certification  
23 shall bind the state and each of its departments, agencies, divisions,  
24 bureaus, commissions, boards, and political subdivisions, whether a  
25 member of the council or not, as to the approval of the site and the  
26 construction and operation of the proposed energy facility.

27           (2) The certification shall authorize the person named therein to  
28 construct and operate the proposed energy facility subject only to the  
29 conditions set forth in such certification.

30           (3) The issuance of a certification shall be in lieu of any permit,  
31 certificate or similar document required by any department, agency,  
32 division, bureau, commission, board, or political subdivision of this  
33 state, whether a member of the council or not.

34           NEW SECTION. **Sec. 18.** A new section is added to chapter 80.50 RCW  
35 to read as follows:

36           A city and county that has approved an energy facility through a

1 local permitting process shall submit to the council within thirty days  
2 of the issuance of a permit a copy of the permit and any conditions of  
3 approval.

4 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.21C  
5 RCW to read as follows:

6 For the purposes of this chapter, the energy facility site  
7 evaluation council may choose to establish timelines related to the  
8 siting of energy facilities under chapter 80.50 RCW that are shorter  
9 than those required by this chapter. A town, city, or county may  
10 choose to establish timelines related to the siting of energy  
11 facilities that are shorter than those required by this chapter if a  
12 proposed energy facility meets the siting standards under section 5 of  
13 this act.

14 NEW SECTION. **Sec. 20.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 80.50.080 (Counsel for the environment) and 1977 ex.s. c  
17 371 s 6 & 1970 ex.s. c 45 s 8;

18 (2) RCW 80.50.090 (Public hearings) and 2006 c 205 s 3, 2006 c 196  
19 s 6, 2001 c 214 s 7, 1989 c 175 s 173, & 1970 ex.s. c 45 s 9; and

20 (3) RCW 80.50.320 (Governor to evaluate council efficiency, make  
21 recommendations) and 2001 c 214 s 8."

22 Correct the title.

EFFECT: Restores the definition relating to petroleum pipeline  
facilities back to the definition under current law. Authorizes the  
energy facility site evaluation council (council) to develop standards  
for an expedited siting process for the state of Washington, local  
governments, and other political subdivisions of the state.

Exempts as standards for the siting of energy facilities by the  
council and local governments two Oregon Administrative Rules relating  
to scenic resources and land use. Provides that when the council is  
using Oregon Administrative Rules for the siting of energy facilities  
that it must identify the most equivalent Washington state agency or  
governmental entity and substitute that agency for the Oregon agency or  
other governmental entity. Adds a new siting standard for endangered  
plant and wildlife species.

Provides that local governments and other political subdivisions of the state must use the energy facility siting standards in this act beginning on December 1, 2014, rather than December 1, 2015. Allows local governments and other political subdivisions of the state with energy facility siting standards in place on the effective date of this act to use those standards rather than the standards established in this act. Allows local governments and other political subdivisions of the state to establish environmental review timelines based on the proposed energy facility's compliance with standards established in the act. Specifies that a county, city, or town is authorized to approve an energy facility only if its land use ordinances are in compliance with the Growth Management Act or any order issued by the growth management hearings board. Specifies that an interlocal agreement entered into by the council and a local government may include recognition of jurisdiction or site-specific characteristics necessary to ensure compatibility of energy facilities permitted.

Removes the provision that requires a proposed pipeline transmission facility that will be located in more than two local government jurisdictions to apply to the council for site certification of the facility.

Requires a preliminary application submitted to the council to specify whether the proposed energy facility will comply with local land use ordinances in the jurisdiction or jurisdictions in which it is proposed. Removes from the preliminary application process the requirement that the council must hold a public hearing in the vicinity of the proposed facility. Reduces the amount of time that the chair of the council must issue a notice of application requirements after receiving a preliminary application from 30 days to 25 days. The scoping process timeline for a proposed energy facility is reduced from 60 days to 30 days.

Directs energy facility applicants to provide notice of a siting application to adjacent landowners within one mile of the proposed site of the energy facility.

Authorizes a local government or other political subdivision of the state to choose to establish a timeline to conduct an environmental review of a proposed energy facility that is shorter than required under the state environmental policy act.

--- END ---