

# SENATE BILL REPORT

## SB 6028

---

---

As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, January 21, 2014

**Title:** An act relating to declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act

**Brief Description:** Declaring electricity from a generation facility powered by the combustion of solid waste in a municipally owned energy recovery facility to be an eligible renewable resource for the purposes of chapter 19.285 RCW, the energy independence act.

**Sponsors:** Senator Baumgartner.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 1/16/14, 1/21/14 [DPS, DNP].

---

### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 6028 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Billig, Brown and Honeyford.

**Minority Report:** Do not pass.

Signed by Senators McCoy, Ranking Member; Chase and Litzow.

**Staff:** William Bridges (786-7416)

**Background:** Approved by voters in 2006, the Energy Independence Act, also known as Initiative 937 (I-937), requires qualifying electric utilities to meet targets for energy conservation and for using eligible renewable resources.

Qualifying Utilities. Under I-937, qualifying utilities are electric utilities with 25,000 or more customers in the state.

Eligible Renewable Resource Targets and Compliance Dates. Each qualifying utility must use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

---

*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.*

- at least 3 percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;
- at least 9 percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and
- at least 15 percent of its load by January 1, 2020, and each year thereafter.

Eligible Renewable Resource. The term eligible renewable resource means electricity generated from a resource such as wind, solar, specified biomass, wave and tidal power, specified incremental hydroelectricity, and certain types of biomass energy. In addition, an eligible renewable resource must generally be produced in a facility that started operating after March 31, 1999, and the facility must either be located in the Pacific Northwest or the electricity from the facility must be delivered into the state on a real-time basis.

Solid Waste. Under the solid waste management laws, solid waste includes garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. Electricity may be generated from burning solid waste subject to air quality permits. According to a Department of Ecology database, the City of Spokane owns the only facility in the state that is currently generating electricity by burning solid waste, and it has been doing so since 1991.

**Summary of Bill (Recommended Substitute):** Adding the Combustion of Solid Waste as an Eligible Renewable Resource Under I-937. The following is defined as an eligible renewable resource under I-937: Electricity from a generation facility, which commences operation after September 1, 1991, that is powered by the combustion of solid waste in a municipally owned energy recovery facility located on a business park owned and operated under the provisions of Washington law governing municipal airports, when the facility's air emissions do not exceed permitted levels, and periodic and verified total polychlorinated biphenyl air emissions do not exceed levels that could contribute to increased polychlorinated biphenyl levels in local water bodies.

Defining Terms. The term energy recovery means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste. The term solid waste means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

**EFFECT OF CHANGES MADE BY ENERGY, ENVIRONMENT & TELECOMMUNICATIONS COMMITTEE (Recommended Substitute):** Specified electricity from a facility that combusts solid waste does not qualify as an eligible renewable resource unless the facility's air emissions do not exceed permitted levels, and periodic and verified total polychlorinated biphenyl air emissions do not exceed levels that could contribute to increased polychlorinated biphenyl levels in local water bodies.

**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 on Original Bill:** PRO: This is a straightforward bill to address an existing facility in Spokane that has bipartisan support of the city council. If solid waste is not burned it goes into a landfill, which is worse for the environment.

CON: Mixed solid waste is not renewable. I-937 is focused on clean energy and electricity from burning solid waste is not clean. I-937 should not be amended to grandfather in existing facilities. I-937 should not be used to increase greenhouse gases. This bill could encourage more incineration and discourage recycling.

**Persons Testifying:** PRO: Senator Baumgartner, prime sponsor.

CON: Suellen Mele, Zero Waste WA Program Director; Miguel Perez-Gibson, Climate Solutions; Clifford Traisman, WA Environmental Council, WA Conservation Voters, Renewable NW Project.