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SENATE BILL 5294

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State of Washington

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**By** Senators Ericksen, Holmquist Newbry, Roach, Sheldon, Becker, Rivers, Bailey, Padden, Delvin, Smith, Honeyford, Pearson, King, Braun, Parlette, Schoesler, Hewitt, and Carrell

Read first time 01/25/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to recognizing hydroelectricity as an eligible  
2 renewable resource in the energy independence act; amending RCW  
3 19.285.020; and reenacting and amending RCW 19.285.030.

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

5 **Sec. 1.** RCW 19.285.020 and 2007 c 1 s 2 are each amended to read  
6 as follows:

7 Increasing energy conservation and the use of appropriately sited  
8 renewable energy facilities (~~((builds on the strong foundation of low-~~  
9 ~~cost renewable hydroelectric generation in Washington state and))~~) will  
10 promote energy independence in the state and the Pacific Northwest  
11 region. Making the most of our plentiful local resources will  
12 stabilize electricity prices for Washington residents, provide economic  
13 benefits for Washington counties and farmers, create high-quality jobs  
14 in Washington, provide opportunities for training apprentice workers in  
15 the renewable energy field, protect clean air and water, and position  
16 Washington state as a national leader in clean energy technologies.

17 **Sec. 2.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and  
18 amended to read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Attorney general" means the Washington state office of the  
4 attorney general.

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

10 (3)(a) "Biomass energy" includes: (i) Organic by-products of  
11 pulping and the wood manufacturing process; (ii) animal manure; (iii)  
12 solid organic fuels from wood; (iv) forest or field residues; (v)  
13 untreated wooden demolition or construction debris; (vi) food waste and  
14 food processing residuals; (vii) liquors derived from algae; (viii)  
15 dedicated energy crops; and (ix) yard waste.

16 (b) "Biomass energy" does not include: (i) Wood pieces that have  
17 been treated with chemical preservatives such as creosote,  
18 pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth  
19 forests; or (iii) municipal solid waste.

20 (4) "Commission" means the Washington state utilities and  
21 transportation commission.

22 (5) "Conservation" means any reduction in electric power  
23 consumption resulting from increases in the efficiency of energy use,  
24 production, or distribution.

25 (6) "Cost-effective" has the same meaning as defined in RCW  
26 80.52.030.

27 (7) "Council" means the Washington state apprenticeship and  
28 training council within the department of labor and industries.

29 (8) "Customer" means a person or entity that purchases electricity  
30 for ultimate consumption and not for resale.

31 (9) "Department" means the department of commerce or its successor.

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

35 (11) "Eligible renewable resource" means:

36 (a) Electricity from a generation facility powered by a renewable  
37 resource (~~((other than freshwater))~~) that commences operation after March  
38 31, 1999, where: (i) The facility is located in the Pacific Northwest;

1 or (ii) the electricity from the facility is delivered into Washington  
2 state on a real-time basis without shaping, storage, or integration  
3 services; and

4 ~~(b) ((Incremental electricity produced as a result of efficiency~~  
5 ~~improvements completed after March 31, 1999, to hydroelectric~~  
6 ~~generation projects owned by a qualifying utility and located in the~~  
7 ~~Pacific Northwest or to hydroelectric generation in irrigation pipes~~  
8 ~~and canals located in the Pacific Northwest, where the additional~~  
9 ~~generation in either case does not result in new water diversions or~~  
10 ~~impoundments; and~~

11 ~~(c))~~ Qualified biomass energy.

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

14 (13) "Load" means the amount of kilowatt-hours of electricity  
15 delivered in the most recently completed year by a qualifying utility  
16 to its Washington retail customers.

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

25 (15) "Pacific Northwest" has the same meaning as defined for the  
26 Bonneville power administration in section 3 of the Pacific Northwest  
27 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.  
28 Sec. 839a).

29 (16) "Public facility" has the same meaning as defined in RCW  
30 39.35C.010.

31 (17) "Qualified biomass energy" means electricity produced from a  
32 biomass energy facility that: (a) Commenced operation before March 31,  
33 1999; (b) contributes to the qualifying utility's load; and (c) is  
34 owned either by: (i) A qualifying utility; or (ii) an industrial  
35 facility that is directly interconnected with electricity facilities  
36 that are owned by a qualifying utility and capable of carrying  
37 electricity at transmission voltage.

1 (18) "Qualifying utility" means an electric utility, as the term  
2 "electric utility" is defined in RCW 19.29A.010, that serves more than  
3 twenty-five thousand customers in the state of Washington. The number  
4 of customers served may be based on data reported by a utility in form  
5 861, "annual electric utility report," filed with the energy  
6 information administration, United States department of energy.

7 (19) "Renewable energy credit" means a tradable certificate of  
8 proof of at least one megawatt-hour of an eligible renewable resource  
9 (~~where the generation facility is not powered by freshwater~~). The  
10 certificate includes all of the nonpower attributes associated with  
11 that one megawatt-hour of electricity, and the certificate is verified  
12 by a renewable energy credit tracking system selected by the  
13 department.

14 (20) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
15 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
16 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
17 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
18 on land cleared from old growth or first-growth forests where the  
19 clearing occurred after December 7, 2006; or (i) biomass energy.

20 (21) "Rule" means rules adopted by an agency or other entity of  
21 Washington state government to carry out the intent and purposes of  
22 this chapter.

23 (22) "Year" means the twelve-month period commencing January 1st  
24 and ending December 31st.

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