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SENATE BILL 5408

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State of Washington

63rd Legislature

2013 Regular Session

By Senator Ericksen

Read first time 01/29/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to modifying the definition of nonpower attributes  
2 in the energy independence act; and reenacting and amending RCW  
3 19.285.030.

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

5 **Sec. 1.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and  
6 amended to read as follows:

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

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

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

16 (3)(a) "Biomass energy" includes: (i) Organic by-products of  
17 pulping and the wood manufacturing process; (ii) animal manure; (iii)  
18 solid organic fuels from wood; (iv) forest or field residues; (v)

1 untreated wooden demolition or construction debris; (vi) food waste and  
2 food processing residuals; (vii) liquors derived from algae; (viii)  
3 dedicated energy crops; and (ix) yard waste.

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

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

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

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

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

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

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

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

23 (11) "Eligible renewable resource" means:

24 (a) Electricity from a generation facility powered by a renewable  
25 resource other than freshwater that commences operation after March 31,  
26 1999, where: (i) The facility is located in the Pacific Northwest; or  
27 (ii) the electricity from the facility is delivered into Washington  
28 state on a real-time basis without shaping, storage, or integration  
29 services;

30 (b) Incremental electricity produced as a result of efficiency  
31 improvements completed after March 31, 1999, to hydroelectric  
32 generation projects owned by a qualifying utility and located in the  
33 Pacific Northwest or to hydroelectric generation in irrigation pipes  
34 and canals located in the Pacific Northwest, where the additional  
35 generation in either case does not result in new water diversions or  
36 impoundments; (~~and~~) or

37 (c) Qualified biomass energy.

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

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

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

14 (b) "Nonpower attributes" does not include any aspects, claims,  
15 characteristics, and benefits associated with the on-site capture and  
16 destruction of methane or other greenhouse gases at a facility through  
17 a digester system, landfill gas collection system, or other mechanism,  
18 which may be separately marketable as greenhouse gas emission reduction  
19 credits, offsets, or similar tradable commodities. However, these  
20 separate avoided emissions may not result in or otherwise have the  
21 effect of attributing greenhouse gas emissions to the electricity.

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

26 (16) "Public facility" has the same meaning as defined in RCW  
27 39.35C.010.

28 (17) "Qualified biomass energy" means electricity produced from a  
29 biomass energy facility that: (a) Commenced operation before March 31,  
30 1999; (b) contributes to the qualifying utility's load; and (c) is  
31 owned either by: (i) A qualifying utility; or (ii) an industrial  
32 facility that is directly interconnected with electricity facilities  
33 that are owned by a qualifying utility and capable of carrying  
34 electricity at transmission voltage.

35 (18) "Qualifying utility" means an electric utility, as the term  
36 "electric utility" is defined in RCW 19.29A.010, that serves more than  
37 twenty-five thousand customers in the state of Washington. The number

1 of customers served may be based on data reported by a utility in form  
2 861, "annual electric utility report," filed with the energy  
3 information administration, United States department of energy.

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

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

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

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

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