
SENATE BILL 5432

State of Washington

63rd Legislature

2013 Regular Session

By Senator Ericksen

Read first time 01/30/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to hydroelectric power; and reenacting and
2 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 2012 c 22 s 2 are each reenacted and
5 amended to 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)(a) "Biomass energy" includes: (i) Organic by-products of
16 pulping and the wood manufacturing process; (ii) animal manure; (iii)
17 solid organic fuels from wood; (iv) forest or field residues; (v)
18 untreated wooden demolition or construction debris; (vi) food waste and

1 food processing residuals; (vii) liquors derived from algae; (viii)
2 dedicated energy crops; and (ix) yard waste.

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

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

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

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

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

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

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

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

22 (11) "Eligible renewable resource" means:

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

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

36 (c) Qualified biomass energy.

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

1 (13) "Load" means the amount of kilowatt-hours of electricity
2 delivered in the most recently completed year by a qualifying utility
3 to its Washington retail customers minus the amount of kilowatt-hours
4 of electricity from a hydroelectric facility located in the Pacific
5 Northwest and delivered to its Washington retail customers in the same
6 year.

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

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

19 (16) "Public facility" has the same meaning as defined in RCW
20 39.35C.010.

21 (17) "Qualified biomass energy" means electricity produced from a
22 biomass energy facility that: (a) Commenced operation before March 31,
23 1999; (b) contributes to the qualifying utility's load; and (c) is
24 owned either by: (i) A qualifying utility; or (ii) an industrial
25 facility that is directly interconnected with electricity facilities
26 that are owned by a qualifying utility and capable of carrying
27 electricity at transmission voltage.

28 (18) "Qualifying utility" means an electric utility, as the term
29 "electric utility" is defined in RCW 19.29A.010, that serves more than
30 twenty-five thousand customers in the state of Washington. The number
31 of customers served may be based on data reported by a utility in form
32 861, "annual electric utility report," filed with the energy
33 information administration, United States department of energy.

34 (19) "Renewable energy credit" means a tradable certificate of
35 proof of at least one megawatt-hour of an eligible renewable resource
36 where the generation facility is not powered by freshwater. The
37 certificate includes all of the nonpower attributes associated with

1 that one megawatt-hour of electricity, and the certificate is verified
2 by a renewable energy credit tracking system selected by the
3 department.

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

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

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

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