SENATE BILL REPORT
SB 6352

As of January 23, 2020

Title: An act relating to eliminating expedited processing of alternative energy resource facilities before the energy facility site evaluation council.

Brief Description: Eliminating expedited processing of alternative energy resource facilities before the energy facility site evaluation council.

Sponsors: Senator Warnick.

Brief History:
   Committee Activity: Environment, Energy & Technology: 1/22/20.

Brief Summary of Bill

- Eliminates the Energy Facility Site Evaluation Council's expedited process for alternative energy resource facilities.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Kimberly Cushing (786-7421)

Background: <u>Energy Facility Site Evaluation Council.</u> Created in 1970, the Energy Facility Site Evaluation Council (EFSEC) is the permitting and certifying authority for siting major energy facilities in Washington. EFSEC's siting jurisdiction includes large energy facilities, such as nuclear power plants of any size and thermal electric power plants with a generating capacity of 350 megawatts or greater. Energy facilities of any size that exclusively use alternative energy resources can also opt-in to the EFSEC review and certification process.

An EFSEC site certification agreement (SCA) authorizes an applicant to construct and operate an energy facility in lieu of permits or documents required by any other state agency or subdivision. As part of the SCA process, EFSEC issues all state and federal air and water-discharge permits.

Under current law, any person filing an application for certification of an energy facility or an alternative energy resource facility may apply to the EFSEC for an expedited application. EFSEC may grant an applicant expedited processing if they find the environmental impact of

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the proposed energy facility is not significant or will be mitigated to a nonsignificant level under the State Environmental Policy Act and the project is found to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

An alternative energy resource includes energy facilities of the following types: wind, solar energy, geothermal energy, landfill gas, wave or tidal action, or biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

Summary of Bill: The Legislature finds that EFSEC's certification process undermines opportunities for local review of alternative energy resource facilities. The current process creates an unfair advantage for those facilities that have the special privilege of being able to opt out of the local review process if the local review process reveals local concerns.

An alternative energy resource facility that chooses to receive certification from EFSEC is not eligible for expedited processing.

Appropriation: None.

Fiscal Note: Requested on January 17, 2020.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill gives local concerns a voice. Currently a local alternative energy project can apply to EFSEC and bypass local concerns, but local concerns should be vetted prior to going through the EFSEC process.

CON: Eliminating this avenue might place additional burdens on local counties because it can be administratively difficult to site new facilities.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Rick Hughes, San Juan County/Washington State Association of Counties.

CON: Mike Vincent, Avangrid.

Persons Signed In To Testify But Not Testifying: No one.