
SENATE BILL 5872

State of Washington

67th Legislature

2022 Regular Session

By Senators Brown, Short, Wagoner, and J. Wilson

Read first time 01/14/22. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to recognizing that power plants that comply with
2 the state greenhouse gas emissions performance standard are
3 consistent with Washington's long-term policy for electricity;
4 amending RCW 19.405.050 and 80.80.050; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the European
7 Union recently recognized that nuclear and natural gas power plants
8 should be included in the European Union's taxonomy of
9 environmentally sustainable activities and investments that will help
10 the European Union attain its climate and energy goals. The
11 legislature further finds that, like the European Union, Washington
12 has set climate and energy goals that the state seeks to attain.
13 These state goals include policies for the generation of electricity
14 supplied to Washington customers. However, Washington's long-term
15 policy for electricity discourages some sources of electric
16 generation, even if those sources comply with the state greenhouse
17 gas emissions performance standard for power plants. Therefore, the
18 legislature finds that Washington should modify its long-term policy
19 for electricity by recognizing that a broader variety of electric
20 generation sources, such as natural gas, should be available to help
21 the state meet its goals. To accomplish this, the legislature intends

1 to establish that power plants that comply with the state's
2 greenhouse gas emissions performance standard must be recognized as
3 sources of electric generation that are consistent with the emissions
4 reduction policy the state intends to achieve by 2045.

5 **Sec. 2.** RCW 19.405.050 and 2019 c 288 s 5 are each amended to
6 read as follows:

7 (1) It is the policy of the state that nonemitting electric
8 generation and electricity from renewable resources supply (~~one~~
9 ~~hundred~~) 100 percent of all sales of electricity to Washington
10 retail electric customers by January 1, 2045. By January 1, 2045, and
11 each year thereafter, each electric utility must demonstrate its
12 compliance with this standard using a combination of nonemitting
13 electric generation and electricity from renewable resources.

14 (2) Notwithstanding subsection (1) of this section, supplying
15 electricity from a power plant that complies with the greenhouse gas
16 emissions performance standard established under RCW 80.80.040 or
17 80.80.050 is not a violation of the policy enunciated in subsection
18 (1) of this section.

19 (3) Each electric utility must incorporate subsection (1) of this
20 section into all relevant planning and resource acquisition practices
21 including, but not limited to: Resource planning under chapter 19.280
22 RCW; the construction or acquisition of property, including electric
23 generating facilities; and the provision of electricity service to
24 retail electric customers.

25 ~~((3))~~ (4) In planning to meet projected demand consistent with
26 the requirements of subsection ~~((2))~~ (3) of this section and RCW
27 19.285.040, if applicable, an electric utility must pursue all cost-
28 effective, reliable, and feasible conservation and efficiency
29 resources, and demand response. In making new investments, an
30 electric utility must, to the maximum extent feasible:

31 (a) Achieve targets at the lowest reasonable cost, considering
32 risk;

33 (b) Consider acquisition of existing renewable resources; and

34 (c) In the acquisition of new resources constructed after May 7,
35 2019, rely on renewable resources and energy storage, insofar as
36 doing so is consistent with (a) of this subsection.

37 ~~((4))~~ (5) The commission, department, energy facility site
38 evaluation council, department of ecology, and all other state
39 agencies must incorporate this section into all relevant planning and

1 utilize all programs authorized by statute to achieve subsection (1)
2 of this section.

3 ~~((+5))~~ (6)(a) Hydroelectric generation used by an electric
4 utility to satisfy the requirements of this section may not include
5 new diversions, new impoundments, new bypass reaches, or expansion of
6 existing reservoirs constructed after May 7, 2019, unless the
7 diversions, bypass reaches, or reservoir expansions are necessary for
8 the operation of a pumped storage facility that: (i) Does not
9 conflict with existing state or federal fish recovery plans; and (ii)
10 complies with all local, state, and federal laws and regulations.

11 (b) Nothing in (a) of this subsection precludes an electric
12 utility that owns and operates hydroelectric generating facilities,
13 or the owner of a hydroelectric generating facility whose energy
14 output is marketed by the Bonneville power administration, from
15 making efficiency or other improvements to its hydroelectric
16 generating facilities existing as of May 7, 2019, or from installing
17 hydroelectric generation in pipes, culverts, irrigation canals, and
18 other man-made waterways as long as those changes do not create
19 conflicts with existing state or federal fish recovery plans and
20 comply with all local, state, and federal laws and regulations.

21 ~~((+6))~~ (7) Nothing in this section prohibits an electric utility
22 from purchasing or exchanging power from the Bonneville power
23 administration.

24 ~~((+7))~~ (8) Affected market customers must comply with the
25 obligations of this section.

26 ~~((+8))~~ (9) Any market customer that purchases electricity
27 exclusively from carbon-free resources and eligible renewable
28 resources, as defined in RCW 19.285.030 as of January 1, 2019,
29 pursuant to a special contract with an investor-owned utility
30 approved, prior to May 7, 2019, by order of the commission is subject
31 to the requirements of such an order and not to the standards
32 established in this section. For the purposes of interpreting such a
33 special contract, chapter 19.285 RCW, as in effect on January 1,
34 2019, is not, either directly or indirectly, amended or supplemented.

35 **Sec. 3.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to
36 read as follows:

37 The energy policy division of the department of ~~((community,~~
38 ~~trade, and economic development))~~ commerce shall provide an
39 opportunity for interested parties to comment on the development of a

1 survey of new combined-cycle natural gas thermal electric generation
2 turbines commercially available and offered for sale by manufacturers
3 and purchased in the United States to determine the average rate of
4 emissions of greenhouse gases for these turbines. The department of
5 (~~community, trade, and economic development~~) commerce shall report
6 the results of its survey to the legislature every five years,
7 beginning June 30, 2013. The department of (~~community, trade, and
8 economic development~~) commerce shall adopt by rule the average
9 available greenhouse (~~gases~~) gas emissions output every five years
10 beginning five years after July 22, 2007.

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