
SENATE BILL 5992

State of Washington

68th Legislature

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By Senators Warnick, King, Boehnke, Dozier, and Torres

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1 AN ACT Relating to requiring applicants seeking energy facility
2 site certification for an energy facility that generates electricity
3 using renewable resources to provide evidence of an adequate water
4 supply for the project; and amending RCW 80.50.060.

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

6 **Sec. 1.** RCW 80.50.060 and 2023 c 229 s 4 are each amended to
7 read as follows:

8 (1)(a) The provisions of this chapter apply to the construction
9 of energy facilities which includes the new construction of energy
10 facilities and the reconstruction or enlargement of existing energy
11 facilities where the net increase in physical capacity or dimensions
12 resulting from such reconstruction or enlargement meets or exceeds
13 those capacities or dimensions set forth in RCW 80.50.020 (14) and
14 (29). No construction or reconstruction of such energy facilities may
15 be undertaken, except as otherwise provided in this chapter, without
16 first obtaining certification in the manner provided in this chapter.

17 (b) If applicants proposing the following types of facilities
18 choose to receive certification under this chapter, the provisions of
19 this chapter apply to the construction, reconstruction, or
20 enlargement of these new or existing facilities:

1 (i) Facilities that produce refined biofuel, but which are not
2 capable of producing 25,000 barrels or more per day;

3 (ii) Alternative energy resource facilities;

4 (iii) Electrical transmission facilities: (A) Of a nominal
5 voltage of at least 115,000 volts; and (B) located in more than one
6 jurisdiction that has promulgated land use plans or zoning
7 ordinances;

8 (iv) Clean energy product manufacturing facilities; and

9 (v) Storage facilities.

10 (c) All of the council's powers with regard to energy facilities
11 apply to all of the facilities in (b) of this subsection and these
12 facilities are subject to all provisions of this chapter that apply
13 to an energy facility.

14 (2) (a) The provisions of this chapter must apply to:

15 (i) The construction, reconstruction, or enlargement of new or
16 existing electrical transmission facilities: (A) Of a nominal voltage
17 of at least 500,000 volts alternating current or at least 300,000
18 volts direct current; (B) located in more than one county; and (C)
19 located in the Washington service area of more than one retail
20 electric utility; and

21 (ii) The construction, reconstruction, or modification of
22 electrical transmission facilities when the facilities are located in
23 a national interest electric transmission corridor as specified in
24 RCW 80.50.045.

25 (b) For the purposes of this subsection, "modification" means a
26 significant change to an electrical transmission facility and does
27 not include the following: (i) Minor improvements such as the
28 replacement of existing transmission line facilities or supporting
29 structures with equivalent facilities or structures; (ii) the
30 relocation of existing electrical transmission line facilities; (iii)
31 the conversion of existing overhead lines to underground; or (iv) the
32 placing of new or additional conductors, supporting structures,
33 insulators, or their accessories on or replacement of supporting
34 structures already built.

35 (3) The provisions of this chapter shall not apply to normal
36 maintenance and repairs which do not increase the capacity or
37 dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

38 (4) Applications for certification of energy facilities made
39 prior to July 15, 1977, shall continue to be governed by the
40 applicable provisions of law in effect on the day immediately

1 preceding July 15, 1977, with the exceptions of RCW 80.50.071 which
2 shall apply to such prior applications and to site certifications
3 prospectively from July 15, 1977.

4 (5) Applications for certification shall be upon forms prescribed
5 by the council and shall be supported by such information and
6 technical studies as the council may require.

7 (6) Each applicant seeking energy facility site certification for
8 an energy facility that generates electricity using renewable
9 resources must provide evidence of an adequate water supply for the
10 project, including the ongoing operation, management, and maintenance
11 of the facility.

12 (7) Upon receipt of an application for certification under this
13 chapter, the chair of the council shall notify:

14 (a) The appropriate county legislative authority or authorities
15 where the proposed facility is located;

16 (b) The appropriate city legislative authority or authorities
17 where the proposed facility is located;

18 (c) The department of archaeology and historic preservation; and

19 (d) The appropriate federally recognized tribal governments that
20 may be affected by the proposed facility.

21 ((+7)) (8) The council must work with local governments where a
22 project is proposed to be sited in order to provide for meaningful
23 participation and input during siting review and compliance
24 monitoring.

25 ((+8)) (9) The council must consult with all federally
26 recognized tribes that possess resources, rights, or interests
27 reserved or protected by federal treaty, statute, or executive order
28 in the area where an energy facility is proposed to be located to
29 provide early and meaningful participation and input during siting
30 review and compliance monitoring. The chair and designated staff must
31 offer to conduct government-to-government consultation to address
32 issues of concern raised by such a tribe. The goal of the
33 consultation process is to identify tribal resources or rights
34 potentially affected by the proposed energy facility and to seek ways
35 to avoid, minimize, or mitigate any adverse effects on tribal
36 resources or rights. The chair must provide regular updates on the
37 consultation to the council throughout the application review
38 process. The report from the council to the governor required in RCW
39 80.50.100 must include a summary of the government-to-government

1 consultation process that complies with RCW 42.56.300, including the
2 issues and proposed resolutions.

3 ~~((9))~~ (10) The department of archaeology and historic
4 preservation shall coordinate with the affected federally recognized
5 tribes and the applicant in order to assess potential effects to
6 tribal cultural resources, archaeological sites, and sacred sites.

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