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HOUSE BILL 1061

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Hudgins, Linville and Morris

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Committee on Technology, Energy & Communications.

1            AN ACT Relating to siting of energy facilities; amending RCW  
2 80.50.060; and reenacting and amending RCW 80.50.020.

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

4            **Sec. 1.** RCW 80.50.020 and 2006 c 205 s 1 and 2006 c 196 s 1 are  
5 each reenacted and amended to read as follows:

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

8            (1) "Applicant" means any person who makes application for a site  
9 certification pursuant to the provisions of this chapter.

10           (2) "Application" means any request for approval of a particular  
11 site or sites filed in accordance with the procedures established  
12 pursuant to this chapter, unless the context otherwise requires.

13           (3) "Person" means an individual, partnership, joint venture,  
14 private or public corporation, association, firm, public service  
15 company, political subdivision, municipal corporation, government  
16 agency, public utility district, or any other entity, public or  
17 private, however organized.

18           (4) "Site" means any proposed or approved location of an energy  
19 facility.

1 (5) "Certification" means a binding agreement between an applicant  
2 and the state which shall embody compliance to the siting guidelines,  
3 in effect as of the date of certification, which have been adopted  
4 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to  
5 be met prior to or concurrent with the construction or operation of any  
6 energy facility.

7 (6) "Associated facilities" means storage, transmission, handling,  
8 or other related and supporting facilities connecting an energy plant  
9 with the existing energy supply, processing, or distribution system,  
10 including, but not limited to, communications, controls, mobilizing or  
11 maintenance equipment, instrumentation, and other types of ancillary  
12 transmission equipment, off-line storage or venting required for  
13 efficient operation or safety of the transmission system and overhead,  
14 and surface or subsurface lines of physical access for the inspection,  
15 maintenance, and safe operations of the transmission facility and new  
16 transmission lines constructed to operate at nominal voltages in excess  
17 of 115,000 volts to connect a thermal power plant or alternative energy  
18 facilities to the northwest power grid. However, common carrier  
19 railroads or motor vehicles shall not be included.

20 (7) "Transmission facility" means any of the following together  
21 with their associated facilities:

22 (a) Crude or refined petroleum or liquid petroleum product  
23 transmission pipeline of the following dimensions: A pipeline larger  
24 than six inches minimum inside diameter between valves for the  
25 transmission of these products with a total length of at least fifteen  
26 miles;

27 (b) Natural gas, synthetic fuel gas, or liquefied petroleum gas  
28 transmission pipeline of the following dimensions: A pipeline larger  
29 than fourteen inches minimum inside diameter between valves, for the  
30 transmission of these products, with a total length of at least fifteen  
31 miles for the purpose of delivering gas to a distribution facility,  
32 except an interstate natural gas pipeline regulated by the United  
33 States federal power commission;

34 (c) Electrical transmission facilities in excess of 115,000 volts  
35 in national interest electric transmission corridors as designated by  
36 the United States secretary of the department of energy or the federal  
37 energy regulatory commission pursuant to section 1221 of the national

1 energy policy act, and such rules and regulations as the secretary or  
2 the federal energy regulatory commission adopts to implement the act.

3 (8) "Independent consultants" means those persons who have no  
4 financial interest in the applicant's proposals and who are retained by  
5 the council to evaluate the applicant's proposals, supporting studies,  
6 or to conduct additional studies.

7 (9) "Thermal power plant" means, for the purpose of certification,  
8 any electrical generating facility using any fuel, including nuclear  
9 materials, for distribution of electricity by electric utilities.

10 (10) "Energy facility" means an energy plant or transmission  
11 facilities: PROVIDED, That the following are excluded from the  
12 provisions of this chapter:

13 (a) Facilities for the extraction, conversion, transmission or  
14 storage of water, other than water specifically consumed or discharged  
15 by energy production or conversion for energy purposes; and

16 (b) Facilities operated by and for the armed services for military  
17 purposes or by other federal authority for the national defense.

18 (11) "Council" means the energy facility site evaluation council  
19 created by RCW 80.50.030.

20 (12) "Counsel for the environment" means an assistant attorney  
21 general or a special assistant attorney general who shall represent the  
22 public in accordance with RCW 80.50.080.

23 (13) "Construction" means on-site improvements, excluding  
24 exploratory work, which cost in excess of two hundred fifty thousand  
25 dollars.

26 (14) "Energy plant" means the following facilities together with  
27 their associated facilities:

28 (a) Any stationary thermal power plant with generating capacity  
29 ~~((of three hundred fifty thousand kilowatts or more, measured using  
30 maximum continuous electric generating capacity, less minimum auxiliary  
31 load, at average ambient temperature and pressure, and floating thermal  
32 power plants of one hundred thousand kilowatts or more))~~, including  
33 associated facilities~~((. For the purposes of this subsection,  
34 "floating thermal power plants" means a thermal power plant that is  
35 suspended on the surface of water by means of a barge, vessel, or other  
36 floating platform))~~);

37 (b) Facilities which will have the capacity to receive liquefied

1 natural gas in the equivalent of more than one hundred million standard  
2 cubic feet of natural gas per day, which has been transported over  
3 marine waters;

4 (c) Facilities which will have the capacity to receive more than an  
5 average of fifty thousand barrels per day of crude or refined petroleum  
6 or liquefied petroleum gas which has been or will be transported over  
7 marine waters, except that the provisions of this chapter shall not  
8 apply to storage facilities unless occasioned by such new facility  
9 construction;

10 (d) Any underground reservoir for receipt and storage of natural  
11 gas as defined in RCW 80.40.010 capable of delivering an average of  
12 more than one hundred million standard cubic feet of natural gas per  
13 day; and

14 (e) Facilities capable of processing more than twenty-five thousand  
15 barrels per day of petroleum into refined products.

16 (15) "Land use plan" means a comprehensive plan or land use element  
17 thereof adopted by a unit of local government pursuant to chapter  
18 35.63, 35A.63, 36.70, or 36.70A RCW.

19 (16) "Zoning ordinance" means an ordinance of a unit of local  
20 government regulating the use of land and adopted pursuant to chapter  
21 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state  
22 Constitution.

23 (17) "Alternative energy resource" means: (a) Wind; (b) solar  
24 energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal  
25 action; or (f) biomass energy based on solid organic fuels from wood,  
26 forest, or field residues, or dedicated energy crops that do not  
27 include wood pieces that have been treated with chemical preservatives  
28 such as creosote, pentachlorophenol, or copper-chrome-arsenic.

29 (18) "Secretary" means the secretary of the United States  
30 department of energy.

31 (19) "Energy generation area" means an area within which the  
32 effects of two or more generating plants may accumulate so that the  
33 generating plants have effects of magnitude similar to a single  
34 generating plant.

35 **Sec. 2.** RCW 80.50.060 and 2006 c 196 s 4 are each amended to read  
36 as follows:

37 (1) The provisions of this chapter shall apply to the construction

1 of energy facilities which includes the new construction of energy  
2 facilities and the reconstruction or enlargement of existing energy  
3 facilities where the net increase in physical capacity or dimensions  
4 resulting from such reconstruction or enlargement meets or exceeds  
5 those capacities or dimensions set forth in RCW 80.50.020 (7) and (14).  
6 No construction of such energy facilities may be undertaken, except as  
7 otherwise provided in this chapter, after July 15, 1977, without first  
8 obtaining certification in the manner provided in this chapter.

9 (2) The provisions of this chapter apply to the construction,  
10 reconstruction, or enlargement of a new or existing energy facility  
11 that exclusively uses alternative energy resources and chooses to  
12 receive certification under this chapter, regardless of the generating  
13 capacity of the project.

14 (3) The provisions of this chapter apply to the construction of new  
15 electrical transmission facilities or the modification of existing  
16 electrical transmission facilities in a national interest electric  
17 transmission corridor designated by the secretary.

18 (4) The provisions of this chapter shall apply to the construction  
19 of new energy facilities located in an energy generation area,  
20 regardless of the generating capacity of the project.

21 (5) The provisions of this chapter shall not apply to normal  
22 maintenance and repairs which do not increase the capacity or  
23 dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

24 ((+5)) (6) Applications for certification of energy facilities  
25 made prior to July 15, 1977 shall continue to be governed by the  
26 applicable provisions of law in effect on the day immediately preceding  
27 July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which  
28 shall apply to such prior applications and to site certifications  
29 prospectively from July 15, 1977.

30 ((+6)) (7) Applications for certification shall be upon forms  
31 prescribed by the council and shall be supported by such information  
32 and technical studies as the council may require.

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