
SENATE BILL 5938

State of Washington

54th Legislature

1995 Regular Session

By Senators Bauer, Hochstatter, Palmer and Snyder

Read first time 02/15/95. Referred to Committee on Energy,
Telecommunications & Utilities.

1 AN ACT Relating to clarification of physical conditions for
2 determining the output of major energy projects; and amending RCW
3 80.50.020 and 80.52.030.

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

5 **Sec. 1.** RCW 80.50.020 and 1977 ex.s. c 371 s 2 are each amended to
6 read as follows:

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

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

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

17 (4) "Site" means any proposed or approved location of an energy
18 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 200,000 volts to connect a thermal power plant to the northwest
18 power grid: PROVIDED, That common carrier railroads or motor vehicles
19 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 liquified 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 (8) "Independent consultants" means those persons who have no
35 financial interest in the applicant's proposals and who are retained by
36 the council to evaluate the applicant's proposals, supporting studies,
37 or to conduct additional studies;

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

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

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

10 (b) Facilities operated by and for the armed services for military
11 purposes or by other federal authority for the national defense;

12 (11) "Council" means the energy facility site evaluation council
13 created by RCW 80.50.030;

14 (12) "Counsel for (~~the~~) the environment" means an assistant
15 attorney general or a special assistant attorney general who shall
16 represent the public in accordance with RCW 80.50.080;

17 (13) "Construction" means on-site improvements, excluding
18 exploratory work, which cost in excess of two hundred fifty thousand
19 dollars;

20 (14) "Energy plant" means the following facilities together with
21 their associated facilities:

22 (a) Any stationary thermal power plant with generating capacity of
23 two hundred fifty thousand kilowatts or more, measured using maximum
24 continuous electric generating capacity, less minimum auxiliary load,
25 at average ambient temperature and pressure, and floating thermal power
26 plants of fifty thousand kilowatts or more, including associated
27 facilities;

28 (b) Facilities which will have the capacity to receive liquified
29 natural gas in the equivalent of more than one hundred million standard
30 cubic feet of natural gas per day, which has been transported over
31 marine waters;

32 (c) Facilities which will have the capacity to receive more than an
33 average of fifty thousand barrels per day of crude or refined petroleum
34 or liquified petroleum gas which has been or will be transported over
35 marine waters, except that the provisions of this chapter shall not
36 apply to storage facilities unless occasioned by such new facility
37 construction;

38 (d) Any underground reservoir for receipt and storage of natural
39 gas as defined in RCW 80.40.010 capable of delivering an average of

1 more than one hundred million standard cubic feet of natural gas per
2 day; and

3 (e) Facilities capable of processing more than twenty-five thousand
4 barrels per day of petroleum into refined products;

5 (15) "Land use plan" means a comprehensive plan or land use element
6 thereof adopted by a unit of local government pursuant to chapters
7 35.63, 35A.63, or 36.70 RCW;

8 (16) "Zoning ordinance" means an ordinance of a unit of local
9 government regulating the use of land and adopted pursuant to chapters
10 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

11 **Sec. 2.** RCW 80.52.030 and 1981 2nd ex.s. c 6 s 3 are each amended
12 to read as follows:

13 The definitions set forth in this section apply throughout this
14 chapter unless the context clearly requires otherwise.

15 (1) "Public agency" means a public utility district, joint
16 operating agency, city, county, or any other state governmental agency,
17 entity, or political subdivision.

18 (2) "Major public energy project" means a plant or installation
19 capable, or intended to be capable, of generating electricity in an
20 amount greater than two hundred fifty megawatts, measured using maximum
21 continuous electric generating capacity, less minimum auxiliary load,
22 at average ambient temperature and pressure. Where two or more such
23 plants are located within the same geographic site, each plant shall be
24 considered a major public energy project. An addition to an existing
25 facility is not deemed to be a major energy project unless the addition
26 itself is capable, or intended to be capable, of generating electricity
27 in an amount greater than two hundred fifty megawatts. A project which
28 is under construction on July 1, 1982, shall not be considered a major
29 public energy project unless the official agency budget or estimate for
30 total construction costs for the project as of July 1, 1982, is more
31 than two hundred percent of the first official estimate of total
32 construction costs as specified in the senate energy and utilities
33 committee WPPSS inquiry report, volume one, January 12, 1981, and
34 unless, as of July 1, 1982, the projected remaining cost of
35 construction for that project exceeds two hundred million dollars.

36 (3) "Cost of construction" means the total cost of planning and
37 building a major public energy project and placing it into operation,
38 including, but not limited to, planning cost, direct construction cost,

1 licensing cost, cost of fuel inventory for the first year's operation,
2 interest, and all other costs incurred prior to the first day of full
3 operation, whether or not incurred prior to July 1, 1982.

4 (4) "Cost of acquisition" means the total cost of acquiring a major
5 public energy project from another party, including, but not limited
6 to, principal and interest costs.

7 (5) "Bond" means a revenue bond, a general obligation bond, or any
8 other indebtedness issued by a public agency or its assignee.

9 (6) "Applicant" means a public agency, or the assignee of a public
10 agency, requesting the secretary of state to conduct an election
11 pursuant to this chapter.

12 (7) "Cost-effective" means that a project or resource is forecast:

13 (a) To be reliable and available within the time it is needed; and

14 (b) To meet or reduce the electric power demand of the intended
15 consumers at an estimated incremental system cost no greater than that
16 of the least-cost similarly reliable and available alternative project
17 or resource, or any combination thereof.

18 (8) "System cost" means an estimate of all direct costs of a
19 project or resource over its effective life, including, if applicable,
20 the costs of distribution to the consumer, and, among other factors,
21 waste disposal costs, end-of-cycle costs, and fuel costs (including
22 projected increases), and such quantifiable environmental costs and
23 benefits as are directly attributable to the project or resource.

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