

# SENATE BILL REPORT

## SB 6410

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As of January 21, 2000

**Title:** An act relating to siting of pipelines and other energy facilities.

**Brief Description:** Adopting interim measures concerning the siting of pipelines and other energy facilities.

**Sponsors:** Senators Spanel, Gardner, Brown, Franklin, Haugen, Bauer, Shin, B. Sheldon, Fraser, Kline, Costa, Eide, Fairley, Patterson, Rasmussen, Kohl-Welles, McAuliffe, Jacobsen, Prentice, Thibaudeau and Goings.

**Brief History:**

**Committee Activity:** Energy, Technology & Telecommunications: 1/25/2000.

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### SENATE COMMITTEE ON ENERGY, TECHNOLOGY & TELECOMMUNICATIONS

**Staff:** Andrea McNamara (786-7483)

**Background:** The Energy Facility Site Evaluation Council (EFSEC) was created by the Legislature in the 1970's as the centralized state entity responsible for siting and monitoring large energy facilities, including electrical generation facilities and some pipeline facilities.

Applications for siting energy facilities through the EFSEC process are funded by fees from the applicants and generally involve five steps: (1) a State Environmental Policy Act (SEPA) review; (2) review for consistency with applicable local land use ordinances, development and comprehensive plans; (3) a formal adjudication on all issues related to the project, including the need for the project; (4) certain air and water pollution discharge permitting reviews as delegated by the U.S. Environmental Protection Agency; and (5) a recommendation to the Governor who then decides whether to accept, reject, or remand the application.

A number of recent events, including the Olympic Cross Cascade Pipeline application proceeding at EFSEC, the fatal pipeline explosion in Bellingham, and the deliberations of the Governor's subsequent Fuel Accident Prevention and Response Task Force, have raised concerns about several aspects of the state's energy siting process.

**Summary of Bill:** The intent of the act is identified as enacting interim measures to protect the public and the environment pending a complete review of the current process for siting energy facilities.

EFSEC must develop rules and a process for making an early evaluation of the need— for a facility before undertaking other elements of project review. Following the need evaluation, an informal SEPA process to address mitigating impacts may be initiated prior to the formal adjudicative proceedings.

Increased consideration must be given by EFSEC to local siting and land use standards. Current preemption provisions are amended to clarify that local franchise agreements are not preempted by EFSEC proceedings.

Applicants may be required to pay more than the current \$25,000 maximum for the costs of environmental review, and they must also contribute a minimum of \$25,000 per affected county to assist the county's participation in EFSEC proceedings.

Applications made between January 1, 2000, and August 1, 2001, do not necessarily vest at time of filing. These applications will vest to standards or requirements in effect on August 1, 2001, or upon certification of the project, whichever comes first.

Technical corrections to statutory references are made.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for Section 6 which contains an emergency clause and takes effect immediately.