

---

HOUSE BILL 1631

---

State of Washington

57th Legislature

2001 Regular Session

By Representatives B. Chandler and Crouse

Read first time 01/31/2001. Referred to Committee on Technology,  
Telecommunications & Energy.

1 AN ACT Relating to energy facility siting; and amending RCW  
2 80.50.060, 80.50.020, and 80.50.075.

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

4 **Sec. 1.** RCW 80.50.060 and 1977 ex.s. c 371 s 5 are each amended to  
5 read as follows:

6 (1) The provisions of this chapter shall apply to the construction  
7 of energy facilities which includes the new construction of energy  
8 facilities and the reconstruction or enlargement of existing energy  
9 facilities where the net increase in physical capacity or dimensions  
10 resulting from such reconstruction or enlargement meets or exceeds  
11 those capacities or dimensions set forth in RCW 80.50.020 (7) and  
12 (~~(17), as now or hereafter amended~~) (14). No construction of such  
13 energy facilities may be undertaken, except as otherwise provided in  
14 this chapter, after July 15, 1977, without first obtaining  
15 certification in the manner provided in this chapter.

16 (2) An applicant for construction of a stationary thermal power  
17 plant with generating capacity of two hundred fifty thousand kilowatts  
18 or more may request certification of the power plant under this  
19 chapter.

1       (3) The provisions of this chapter shall not apply to normal  
2 maintenance and repairs which do not increase the capacity or  
3 dimensions beyond those set forth in RCW 80.50.020 (7) and (~~(17)~~, as  
4 ~~now or hereafter amended~~) (14).

5       (~~(3)~~) (4) Applications for certification of energy facilities  
6 made prior to July 15, 1977 shall continue to be governed by the  
7 applicable provisions of law in effect on the day immediately preceding  
8 July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which  
9 shall apply to such prior applications and to site certifications  
10 prospectively from July 15, 1977.

11       (~~(4)~~) (5) Applications for certification shall be upon forms  
12 prescribed by the council and shall be supported by such information  
13 and technical studies as the council may require.

14       **Sec. 2.** RCW 80.50.020 and 1995 c 69 s 1 are each amended to read  
15 as follows:

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

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

21       (3) "Person" means an individual, partnership, joint venture,  
22 private or public corporation, association, firm, public service  
23 company, political subdivision, municipal corporation, government  
24 agency, public utility district, or any other entity, public or  
25 private, however organized;

26       (4) "Site" means any proposed or approved location of an energy  
27 facility;

28       (5) "Certification" means a binding agreement between an applicant  
29 and the state which shall embody compliance to the siting guidelines,  
30 in effect as of the date of certification, which have been adopted  
31 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to  
32 be met prior to or concurrent with the construction or operation of any  
33 energy facility;

34       (6) "Associated facilities" means storage, transmission, handling,  
35 or other related and supporting facilities connecting an energy plant  
36 with the existing energy supply, processing, or distribution system,  
37 including, but not limited to, communications, controls, mobilizing or  
38 maintenance equipment, instrumentation, and other types of ancillary

1 transmission equipment, off-line storage or venting required for  
2 efficient operation or safety of the transmission system and overhead,  
3 and surface or subsurface lines of physical access for the inspection,  
4 maintenance, and safe operations of the transmission facility and new  
5 transmission lines constructed to operate at nominal voltages in excess  
6 of 200,000 volts to connect a thermal power plant to the northwest  
7 power grid: PROVIDED, That common carrier railroads or motor vehicles  
8 shall not be included;

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

11 (a) Crude or refined petroleum or liquid petroleum product  
12 transmission pipeline of the following dimensions: A pipeline larger  
13 than six inches minimum inside diameter between valves for the  
14 transmission of these products with a total length of at least fifteen  
15 miles;

16 (b) Natural gas, synthetic fuel gas, or liquified petroleum gas  
17 transmission pipeline of the following dimensions: A pipeline larger  
18 than fourteen inches minimum inside diameter between valves, for the  
19 transmission of these products, with a total length of at least fifteen  
20 miles for the purpose of delivering gas to a distribution facility,  
21 except an interstate natural gas pipeline regulated by the United  
22 States federal power commission;

23 (8) "Independent consultants" means those persons who have no  
24 financial interest in the applicant's proposals and who are retained by  
25 the council to evaluate the applicant's proposals, supporting studies,  
26 or to conduct additional studies;

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

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

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

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

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

1 (12) "Counsel for the environment" means an assistant attorney  
2 general or a special assistant attorney general who shall represent the  
3 public in accordance with RCW 80.50.080;

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

7 (14) "Energy plant" means the following facilities together with  
8 their associated facilities:

9 (a) Any stationary thermal power plant with generating capacity of  
10 (~~two~~) five hundred fifty thousand kilowatts or more, measured using  
11 maximum continuous electric generating capacity, less minimum auxiliary  
12 load, at average ambient temperature and pressure, and floating thermal  
13 power plants of fifty thousand kilowatts or more, including associated  
14 facilities;

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

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

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

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

31 (15) "Land use plan" means a comprehensive plan or land use element  
32 thereof adopted by a unit of local government pursuant to chapters  
33 35.63, 35A.63, or 36.70 RCW;

34 (16) "Zoning ordinance" means an ordinance of a unit of local  
35 government regulating the use of land and adopted pursuant to chapters  
36 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

37 **Sec. 3.** RCW 80.50.075 and 1989 c 175 s 172 are each amended to  
38 read as follows:

1 (1) Any person required to file an application for certification of  
2 an energy facility pursuant to this chapter may apply to the council  
3 for an expedited processing of such an application. The application  
4 for expedited processing shall be submitted to the council in such form  
5 and manner and accompanied by such information as may be prescribed by  
6 council rule. The council may grant an applicant expedited processing  
7 of an application for certification if the governor joins in the  
8 request for an expedited process or upon finding that:

- 9 (a) The environmental impact of the proposed energy facility;  
10 (b) The area potentially affected;  
11 (c) The cost and magnitude of the proposed energy facility; and  
12 (d) The degree to which the proposed energy facility represents a  
13 change in use of the proposed site  
14 are not significant enough to warrant a full review of the application  
15 for certification under the provisions of this chapter.

16 (2) Upon granting an applicant expedited processing of an  
17 application for certification, the council shall not be required to:

18 (a) Commission an independent study, notwithstanding the provisions  
19 of RCW 80.50.071; nor

20 (b) Hold an adjudicative proceeding under chapter 34.05 RCW, the  
21 Administrative Procedure Act, on the application.

22 (3) The council shall adopt rules governing the expedited  
23 processing of an application for certification pursuant to this  
24 section.

--- END ---