

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1570

Chapter 261, Laws of 2011

62nd Legislature
2011 Regular Session

ENERGY FACILITY SITING

EFFECTIVE DATE: 07/22/11

Passed by the House April 15, 2011
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 12, 2011
Yeas 45 Nays 0

BRAD OWEN

President of the Senate

Approved May 5, 2011, 10:06 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1570** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 6, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1570

AS AMENDED BY THE SENATE

Passed Legislature - 2011 Regular Session

State of Washington 62nd Legislature 2011 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Chandler and Morris)

READ FIRST TIME 02/08/11.

1 AN ACT Relating to siting of energy facility projects; amending RCW
2 80.50.071; adding a new section to chapter 36.01 RCW; adding a new
3 section to chapter 35.63 RCW; and adding a new section to chapter
4 35A.63 RCW.

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

6 **Sec. 1.** RCW 80.50.071 and 2010 c 152 s 3 are each amended to read
7 as follows:

8 (1) The council shall receive all applications for energy facility
9 site certification. Each applicant shall pay such reasonable costs as
10 are actually and necessarily incurred by the council in processing an
11 application.

12 (a) Each applicant shall, at the time of application submission,
13 deposit fifty thousand dollars, or such greater amount as may be
14 specified by the council after consultation with the applicant. Costs
15 that may be charged against the deposit include, but are not limited
16 to, independent consultants' costs, councilmember's wages, employee
17 benefits, costs of a hearing examiner, costs of a court reporter, staff
18 salaries, wages and employee benefits, goods and services, travel

1 expenses, and miscellaneous direct expenses as arise directly from
2 processing an application.

3 (b) The council may commission its own independent consultant study
4 to measure the consequences of the proposed energy facility on the
5 environment or any matter that it deems essential to an adequate
6 appraisal of the site. The council shall provide an estimate of the
7 cost of the study to the applicant and consider applicant comments.

8 (c) The council shall submit to each applicant a statement of such
9 expenditures made during the preceding calendar quarter which shall be
10 in sufficient detail to explain such expenditures. The applicant shall
11 pay the state treasurer the amount of such statement to restore the
12 total amount on deposit to the originally established level: PROVIDED,
13 That such applicant may, at the request of the council, increase the
14 amount of funds on deposit to cover anticipated expenses during peak
15 periods of application processing. Any funds remaining unexpended at
16 the conclusion of application processing shall be refunded to the
17 applicant, or at the applicant's option, credited against required
18 deposits of certificate holders.

19 (2) Each certificate holder shall pay such reasonable costs as are
20 actually and necessarily incurred by the council for inspection and
21 determination of compliance by the certificate holder with the terms of
22 the certification relative to monitoring the effects of construction,
23 operation, and site restoration of the facility.

24 (a) Each certificate holder, within thirty days of execution of the
25 site certification agreement, shall have on deposit fifty thousand
26 dollars, or such greater amount as may be specified by the council
27 after consultation with the certificate holder. Costs that may be
28 charged against the deposit include, but are not limited to, those
29 specified in subsection (1)(a) of this section as arise from inspection
30 and determination of compliance by the certificate holder with the
31 terms of the certification.

32 (b) The council shall submit to each certificate holder a statement
33 of such expenditures actually made during the preceding calendar
34 quarter which shall be in sufficient detail to explain such
35 expenditures. The certificate holder shall pay the state treasurer the
36 amount of such statement to restore the total amount on deposit to the
37 originally established level: PROVIDED, That if the actual

1 expenditures for inspection and determination of compliance in the
2 preceding calendar quarter have exceeded the amount of funds on
3 deposit, such excess costs shall be paid by the certificate holder.

4 (3) If an applicant or certificate holder fails to provide the
5 initial deposit, or if subsequently required payments are not received
6 within thirty days following receipt of the statement from the council,
7 the council may (a) in the case of the applicant, suspend processing of
8 the application until payment is received; or (b) in the case of a
9 certificate holder, suspend the certification.

10 (4) All payments required of the applicant or certificate holder
11 under this section are to be made to the state treasurer who shall make
12 payments as instructed by the council from the funds submitted. All
13 such funds shall be subject to state auditing procedures. Any
14 unexpended portions thereof shall be returned to the applicant or
15 certificate holder.

16 (5)(a) Upon receipt of an application for an energy facility site
17 certification proposing an energy plant or alternative energy resource
18 that is connected to electrical transmission facilities of a nominal
19 voltage of at least one hundred fifteen thousand volts, the council
20 shall notify in writing the United States department of defense. The
21 notification shall include, but not be limited to, the following:

22 (i) A description of the proposed energy plant or alternative
23 energy resource;

24 (ii) The location of the site;

25 (iii) The placement of the energy plant or alternative energy
26 resource on the site;

27 (iv) The date and time by which comments must be received by the
28 council; and

29 (v) Contact information of the council and the applicant.

30 (b) The purpose of the written notification is to provide an
31 opportunity for the United States department of defense to comment upon
32 the application, and to identify potential issues relating to the
33 placement and operations of the energy plant or alternative energy
34 resource, before a site certification application is approved. The
35 time period set forth by the council for receipt of such comments shall
36 not extend the time period for the council's processing of the
37 application.

1 (c) In order to assist local governments required to notify the
2 United States department of defense under sections 2 through 4 of this
3 act, the council shall post on its web site the appropriate information
4 for contacting the United States department of defense.

5 **NEW SECTION.** **Sec. 2.** A new section is added to chapter 36.01 RCW
6 to read as follows:

7 (1) Upon receipt of an application for a permit to site an energy
8 plant or alternative energy resource that is connected to electrical
9 transmission facilities of a nominal voltage of at least one hundred
10 fifteen thousand volts, the county shall notify in writing the United
11 States department of defense. The notification shall include, but not
12 be limited to, the following:

13 (a) A description of the proposed energy plant or alternative
14 energy resource;

15 (b) The location of the site;

16 (c) The number and placement of the energy plant or alternative
17 energy resource on the site;

18 (d) The date and time by which comments must be received by the
19 county; and

20 (e) Contact information of the county permitting authority and the
21 applicant.

22 (2) The purpose of the written notification is to provide an
23 opportunity for the United States department of defense to comment upon
24 the application, and to identify potential issues relating to the
25 placement and operations of the energy plant or alternative energy
26 resource, before a permit application is approved. The time period set
27 forth by the county for receipt of such comments shall not extend the
28 time period for the county's processing of the application.

29 (3) For the purpose of this section, "alternative energy resource,"
30 "energy plant," and "electrical transmission facility" shall each have
31 the meaning set forth in RCW 80.50.020.

32 **NEW SECTION.** **Sec. 3.** A new section is added to chapter 35.63 RCW
33 to read as follows:

34 (1) Upon receipt of an application for a permit to site an energy
35 plant or alternative energy resource that is connected to electrical
36 transmission facilities of a nominal voltage of at least one hundred

1 fifteen thousand volts, the city or town shall notify in writing the
2 United States department of defense. The notification shall include,
3 but not be limited to, the following:

4 (a) A description of the proposed energy plant or alternative
5 energy resource;

6 (b) The location of the site;

7 (c) The placement of the energy plant or alternative energy
8 resource on the site;

9 (d) The date and time by which comments must be received by the
10 city or town; and

11 (e) Contact information of the city or town permitting authority
12 and the applicant.

13 (2) The purpose of the written notification is to provide an
14 opportunity for the United States department of defense to comment upon
15 the application, and to identify potential issues relating to the
16 placement and operations of the energy plant or alternative energy
17 resource, before a permit application is approved. The time period set
18 forth by the city or town for receipt of such comments shall not extend
19 the time period for the city's processing of the application.

20 (3) For the purpose of this section, "alternative energy resource,"
21 "energy plant," and "electrical transmission facility" shall each have
22 the meaning set forth in RCW 80.50.020.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.63 RCW
24 to read as follows:

25 (1) Upon receipt of an application for a permit to site an energy
26 plant or alternative energy resource that is connected to electrical
27 transmission facilities of a nominal voltage of at least one hundred
28 fifteen thousand volts, the city shall notify in writing the United
29 States department of defense. The notification shall include, but not
30 be limited to, the following:

31 (a) A description of the proposed energy plant or alternative
32 energy resource;

33 (b) The location of the site;

34 (c) The placement of the energy plant or alternative energy
35 resource on the site;

36 (d) The date and time by which comments must be received by the
37 city; and

1 (e) Contact information of the city permitting authority and the
2 applicant.

3 (2) The purpose of the written notification is to provide an
4 opportunity for the United States department of defense to comment upon
5 the application, and to identify potential issues relating to the
6 placement and operations of the energy plant or alternative energy
7 resource, before a permit application is approved. The time period set
8 forth by the city for receipt of such comments shall not extend the
9 time period for the city's processing of the application.

10 (3) For the purpose of this section, "alternative energy resource,"
11 "energy plant," and "electrical transmission facility" shall each have
12 the meaning set forth in RCW 80.50.020.

Passed by the House April 15, 2011.

Passed by the Senate April 12, 2011.

Approved by the Governor May 5, 2011.

Filed in Office of Secretary of State May 6, 2011.