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**SUBSTITUTE SENATE BILL 6028**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By** Senate Energy, Environment & Telecommunications (originally sponsored by Senator Baumgartner)

READ FIRST TIME 01/28/14.

1 AN ACT Relating to declaring electricity from a generation facility  
2 powered by the combustion of solid waste in a municipally owned energy  
3 recovery facility to be an eligible renewable resource for the purposes  
4 of chapter 19.285 RCW, the energy independence act; and reenacting and  
5 amending RCW 19.285.030.

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

7 **Sec. 1.** RCW 19.285.030 and 2013 c 158 s 1, 2013 c 99 s 1, and 2013  
8 c 61 s 1 are each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Attorney general" means the Washington state office of the  
12 attorney general.

13 (2) "Auditor" means: (a) The Washington state auditor's office or  
14 its designee for qualifying utilities under its jurisdiction that are  
15 not investor-owned utilities; or (b) an independent auditor selected by  
16 a qualifying utility that is not under the jurisdiction of the state  
17 auditor and is not an investor-owned utility.

18 (3)(a) "Biomass energy" includes: (i) Organic by-products of  
19 pulping and the wood manufacturing process; (ii) animal manure; (iii)

1 solid organic fuels from wood; (iv) forest or field residues; (v)  
2 untreated wooden demolition or construction debris; (vi) food waste and  
3 food processing residuals; (vii) liquors derived from algae; (viii)  
4 dedicated energy crops; and (ix) yard waste.

5 (b) "Biomass energy" does not include: (i) Wood pieces that have  
6 been treated with chemical preservatives such as creosote,  
7 pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth  
8 forests; or (iii) municipal solid waste.

9 (4) "Coal transition power" has the same meaning as defined in RCW  
10 80.80.010.

11 (5) "Commission" means the Washington state utilities and  
12 transportation commission.

13 (6) "Conservation" means any reduction in electric power  
14 consumption resulting from increases in the efficiency of energy use,  
15 production, or distribution.

16 (7) "Cost-effective" has the same meaning as defined in RCW  
17 80.52.030.

18 (8) "Council" means the Washington state apprenticeship and  
19 training council within the department of labor and industries.

20 (9) "Customer" means a person or entity that purchases electricity  
21 for ultimate consumption and not for resale.

22 (10) "Department" means the department of commerce or its  
23 successor.

24 (11) "Distributed generation" means an eligible renewable resource  
25 where the generation facility or any integrated cluster of such  
26 facilities has a generating capacity of not more than five megawatts.

27 (12) "Eligible renewable resource" means:

28 (a) Electricity from a generation facility powered by a renewable  
29 resource other than solid waste or freshwater that commences operation  
30 after March 31, 1999, where: (i) The facility is located in the  
31 Pacific Northwest; or (ii) the electricity from the facility is  
32 delivered into Washington state on a real-time basis without shaping,  
33 storage, or integration services;

34 (b) Incremental electricity produced as a result of efficiency  
35 improvements completed after March 31, 1999, to hydroelectric  
36 generation projects owned by a qualifying utility and located in the  
37 Pacific Northwest or to hydroelectric generation in irrigation pipes

1 and canals located in the Pacific Northwest, where the additional  
2 generation in either case does not result in new water diversions or  
3 impoundments;

4 (c)(i) Electricity from a generation facility, which commences  
5 operation after September 1, 1991, that is powered by the combustion of  
6 solid waste in a municipally owned energy recovery facility located on  
7 a business park owned and operated under the provisions of chapter  
8 14.08 RCW, when: (A) The facility's air emissions do not exceed  
9 permitted levels established under RCW 70.94.161; and (B) periodic  
10 monitoring includes third-party verification documenting total  
11 polychlorinated biphenyl air emissions not exceeding a level that could  
12 contribute to increased polychlorinated biphenyl levels in local water  
13 bodies;

14 (ii) For the purposes of (c)(i) of this subsection, "energy  
15 recovery" has the same meaning as defined in RCW 70.95.030;

16 (d) Qualified biomass energy; or

17 ((~~d~~)) (e) For a qualifying utility that serves customers in other  
18 states, electricity from a generation facility powered by a renewable  
19 resource other than freshwater that commences operation after March 31,  
20 1999, where: (i) The facility is located within a state in which the  
21 qualifying utility serves retail electrical customers; and (ii) the  
22 qualifying utility owns the facility in whole or in part or has a long-  
23 term contract with the facility of at least twelve months or more.

24 (13) "Investor-owned utility" has the same meaning as defined in  
25 RCW 19.29A.010.

26 (14) "Load" means the amount of kilowatt-hours of electricity  
27 delivered in the most recently completed year by a qualifying utility  
28 to its Washington retail customers.

29 (15)(a) "Nonpower attributes" means all environmentally related  
30 characteristics, exclusive of energy, capacity reliability, and other  
31 electrical power service attributes, that are associated with the  
32 generation of electricity from a renewable resource, including but not  
33 limited to the facility's fuel type, geographic location, vintage,  
34 qualification as an eligible renewable resource, and avoided emissions  
35 of pollutants to the air, soil, or water, and avoided emissions of  
36 carbon dioxide and other greenhouse gases.

37 (b) "Nonpower attributes" does not include any aspects, claims,  
38 characteristics, and benefits associated with the on-site capture and

1 destruction of methane or other greenhouse gases at a facility through  
2 a digester system, landfill gas collection system, or other mechanism,  
3 which may be separately marketable as greenhouse gas emission reduction  
4 credits, offsets, or similar tradable commodities. However, these  
5 separate avoided emissions may not result in or otherwise have the  
6 effect of attributing greenhouse gas emissions to the electricity.

7 (16) "Pacific Northwest" has the same meaning as defined for the  
8 Bonneville power administration in section 3 of the Pacific Northwest  
9 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.  
10 Sec. 839a).

11 (17) "Public facility" has the same meaning as defined in RCW  
12 39.35C.010.

13 (18) "Qualified biomass energy" means electricity produced from a  
14 biomass energy facility that: (a) Commenced operation before March 31,  
15 1999; (b) contributes to the qualifying utility's load; and (c) is  
16 owned either by: (i) A qualifying utility; or (ii) an industrial  
17 facility that is directly interconnected with electricity facilities  
18 that are owned by a qualifying utility and capable of carrying  
19 electricity at transmission voltage.

20 (19) "Qualifying utility" means an electric utility, as the term  
21 "electric utility" is defined in RCW 19.29A.010, that serves more than  
22 twenty-five thousand customers in the state of Washington. The number  
23 of customers served may be based on data reported by a utility in form  
24 861, "annual electric utility report," filed with the energy  
25 information administration, United States department of energy.

26 (20) "Renewable energy credit" means a tradable certificate of  
27 proof of at least one megawatt-hour of an eligible renewable resource  
28 where the generation facility is not powered by freshwater. The  
29 certificate includes all of the nonpower attributes associated with  
30 that one megawatt-hour of electricity, and the certificate is verified  
31 by a renewable energy credit tracking system selected by the  
32 department.

33 (21) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
34 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
35 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
36 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
37 on land cleared from old growth or first-growth forests where the  
38 clearing occurred after December 7, 2006; or (i) biomass energy.

1           (22) "Rule" means rules adopted by an agency or other entity of  
2 Washington state government to carry out the intent and purposes of  
3 this chapter.

4           (23) "Solid waste" has the same meaning as defined in RCW  
5 70.95.030.

6           (24) "Year" means the twelve-month period commencing January 1st  
7 and ending December 31st.

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