

# SENATE BILL REPORT

## EHB 2819

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As Passed Senate, March 6, 2020

**Title:** An act relating to designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance.

**Brief Description:** Designating pumped storage projects located in a county bordering the Columbia river utilizing statutorily authorized water rights to be projects of statewide significance.

**Sponsors:** Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake and Boehnke.

**Brief History:** Passed House: 2/18/20, 96-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/25/20 [DP, DNP].

**Floor Activity:**

Passed Senate: 3/06/20, 43-5.

### Brief Summary of Bill

- Expands the definition of project of statewide significance to include a pumped storage project using water rights approved by the Legislature for that purpose.
- Requires counties and cities with development projects designated as projects of statewide significance to include a plan for consultation with affected tribes as part of the agreement with the Office of Regulatory Assistance and the project managers of the project.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy and Short.

**Minority Report:** Do not pass.

Signed by Senator Rolfes.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Karen Epps (786-7424)

**Background:** Projects of Statewide Significance. Projects of statewide significance may be designated as such to expedite their completion. To qualify for the designation, a project must meet capital investment or job creation requirements. Border-crossing projects; private projects investing in manufacturing, research, and development; projects that will provide a net environmental benefit; and a project that will further commercialization of an innovation may all be designated as projects of statewide significance. An application for the designation must be submitted to the Department of Commerce. The application must include an approval letter from jurisdictions where a project is located and must commit to providing the local staff necessary to expedite completing a project.

Cities and counties with industrial projects of statewide significance within their jurisdictions must enter into an agreement with the Office of Regulatory Assistance (ORA) and the project manager to require:

- expedited permit processing for the design and construction of the project;
- expedited permit and environmental review processing;
- expedited processing of requests for street, right-of-way, or other necessary easement vacations;
- participation of local officials; and
- such other actions as deemed necessary by ORA for the design and construction of the project.

In 2017, the Legislature amended this process to allow the Legislature to designate a project of statewide significance.

Pumped Storage Facilities. Pumped storage generating facilities move water between two reservoirs located at different elevations to store energy and generate electricity. When electricity demand is low, excess electric generation capacity is used to pump water from the lower reservoir to the upper reservoir. When electricity demand is high, the stored water is released from the upper reservoir to the lower reservoir through a turbine to generate electricity.

In 2012, the Legislature authorized any public utility district (PUD) bordered by the Columbia River to supply water to any entity that sells electric energy or water to the public for use in a pumped storage generating facility. To qualify, the PUD must have obtained a water right from an industrial user and hold the water right for which power generation is an authorized purpose prior to June 7, 2012. Water supplied to an entity for use in a pumped storage generating facility must be supplied consistent with a contract that contains the terms and conditions deemed appropriate by the commission of the qualifying PUD. Contracts must be made pursuant to a resolution of the commission that is introduced at a meeting of the commission at least ten days prior to the date of the adoption of the resolution.

**Summary of Bill:** The definition of project of statewide significance is amended to include a pumped storage project using water rights approved by the Legislature for that purpose. Counties and cities with development projects designated as projects of statewide significance must include a plan for consultation with affected tribes as part of the agreement with the ORA and the project managers of the project.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill is a way to get to 100 percent green energy. This bill is a way for Washington to find alternative energy sources. This project will create approximately 3000 jobs over the next four years and provide 1200 mega waters of power. The amendment that the committee adopted on the Senate companion was added to this bill on the House floor. Currently, the 100 percent clean bill requires utilities to get renewable energy and storage. This project would be the equivalent of more than 1000 lithium ion semi-sized batteries. This bill will decrease reliance on fossil fuels. The project proponents are working on scheduling a meeting with the Yakama Nation.

**Persons Testifying:** PRO: Representative Gina Mosbrucker, Prime Sponsor; Dave Warren, National Grid.

**Persons Signed In To Testify But Not Testifying:** No one.