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**SUBSTITUTE SENATE BILL 5910**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senate Environment, Energy & Technology (originally sponsored by Senators Carlyle, Billig, Conway, Hawkins, Hunt, Mullet, Saldaña, and Stanford)

READ FIRST TIME 02/03/22.

1 AN ACT Relating to accelerating the availability and use of  
2 renewable hydrogen in Washington state; amending RCW 80.50.020,  
3 54.04.190, and 35.92.050; adding new sections to chapter 43.330 RCW;  
4 creating new sections; providing an expiration date; and declaring an  
5 emergency.

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

7 NEW SECTION. **Sec. 1.** INTENT AND FINDINGS. (1) The legislature  
8 finds that while hydrogen fuel has been used in a variety of  
9 applications in the state, the source of hydrogen has been derived  
10 from fossil fuel feedstocks, such as natural gas. Hydrogen is an  
11 essential building block and energy carrier molecule that is  
12 necessary in the production of conventional and renewable fuels and a  
13 valuable decarbonization tool when used in sectors such as marine,  
14 aviation, steel, and cement, as well as surface transportation  
15 including light to heavy-duty vehicles, including transit, trucking,  
16 and drayage equipment. Hydrogen can be a carbon-free fuel with an  
17 energy per unit mass that is three to four times greater than jet  
18 fuel, whose energy can be extracted either through thermochemical  
19 (combustion) or electrochemical (fuel cell) processes. In both cases,  
20 the only by-product is water, instead of the greenhouse gases and

1 other conventional and toxic pollutants that are emitted from using  
2 fossil fuels.

3 (2) The legislature further finds that the use of renewable  
4 hydrogen and hydrogen produced from carbon-free feedstocks through  
5 electrolysis is an essential tool to a clean energy ecosystem and  
6 emissions reduction for challenging infrastructure needs. Clean  
7 hydrogen fuel can be produced or "charged" closer to the generation  
8 of the electricity when the electrical supply grid has surplus  
9 energy, at times of low electricity use, such as evenings, then made  
10 available at times of higher need and convenient locations, such as  
11 fueling stations, avoiding the need to build or upgrade larger  
12 electrical infrastructure, including distribution systems, to meet  
13 higher peak demand for electricity.

14 (3) Therefore, the legislature intends by this act to establish  
15 policies and a framework for the state to become a national and  
16 global leader in the production and use of these hydrogen fuels. This  
17 act will create an office of renewable fuels to: Promote partnerships  
18 among industrial, transportation, agriculture, and commercial  
19 interests as well as fuel producers, the technology research sector,  
20 and public sector agencies; identify barriers to and opportunities  
21 for market development; provide greater clarity and certainty in  
22 regulatory and siting standards; provide incentives and financial  
23 assistance in the deployment of hydrogen fuel infrastructure; support  
24 a clean and just energy transition; help create good quality, clean  
25 energy jobs; and improve air quality in degraded areas, particularly  
26 in communities that have borne disproportionate levels of air  
27 pollution from the combustion of fossil fuels.

28 **Part 1**

29 **OFFICE OF RENEWABLE FUELS**

30 NEW SECTION. **Sec. 101.** A new section is added to chapter 43.330  
31 RCW to read as follows:

32 The definitions in this section apply throughout sections 102,  
33 103, and 104 of this act unless the context clearly requires  
34 otherwise.

35 (1) "Department" means the department of commerce.

36 (2) "Electrolytic hydrogen" means hydrogen produced through  
37 electrolysis and does not include hydrogen manufactured using steam

1 reforming or any other conversion technology that produces hydrogen  
2 from a fossil fuel feedstock.

3 (3) "Office" means the statewide office of renewable fuels  
4 established in section 102 of this act.

5 (4) "Overburdened communities" has the same meaning as defined in  
6 RCW 70A.02.010.

7 (5) "Renewable fuel" means fuel produced using renewable  
8 resources and includes renewable hydrogen.

9 (6) "Renewable hydrogen" has the same meaning as defined in RCW  
10 54.04.190.

11 (7) "Renewable resource" has the same meaning as defined in RCW  
12 19.405.020.

13 NEW SECTION. **Sec. 102.** A new section is added to chapter 43.330  
14 RCW to read as follows:

15 (1) The statewide office of renewable fuels is established within  
16 the department. The office shall report to the director of the  
17 department. The office may employ staff as necessary to carry out the  
18 office's duties as prescribed by this act, subject to the  
19 availability of amounts appropriated for this specific purpose.

20 (2) The purpose of the office is to leverage, support, and  
21 integrate with other state agencies to:

22 (a) Accelerate comprehensive market development with assistance  
23 along the entire life cycle of renewable fuel projects;

24 (b) Support research into and development and deployment of  
25 renewable fuel and electrolytic hydrogen production as well as  
26 distribution and end uses;

27 (c) Drive job creation, improve economic vitality, and support  
28 the transition to clean energy;

29 (d) Enhance resiliency by using renewable fuels and electrolytic  
30 hydrogen to support climate change mitigation and adaption; and

31 (e) Partner with overburdened communities to ensure communities  
32 equitably benefit from renewable and clean fuels efforts.

33 NEW SECTION. **Sec. 103.** A new section is added to chapter 43.330  
34 RCW to read as follows:

35 (1) The office shall:

36 (a) Coordinate with local government, state agencies, federal  
37 agencies, private entities, the state's public four-year institutions  
38 of higher education, and others to facilitate and promote multi-

1 institution collaborations to drive research, development, and  
2 deployment efforts in the production, distribution, and use of  
3 renewable fuels including, but not limited to, electrolytic hydrogen;

4 (b) Review existing renewable fuels and electrolytic hydrogen  
5 initiatives, policies, and public and private investments;

6 (c) Consider funding opportunities that provide for the  
7 coordination of public and private funds for the purposes of  
8 developing and deploying renewable fuels and electrolytic hydrogen;

9 (d) Assess opportunities for and barriers to deployment of  
10 renewable fuels and electrolytic hydrogen in hard to decarbonize  
11 sectors of the state economy;

12 (e) Request recommendations from the Washington state association  
13 of fire marshals regarding fire and other safety standards adopted by  
14 the United States department of energy and recognized national and  
15 international fire and safety code development authorities regarding  
16 renewable fuels and electrolytic hydrogen;

17 (f) By December 1, 2023, develop a plan and recommendations for  
18 consideration by the legislature and governor on renewable fuels and  
19 electrolytic hydrogen policy and public funding including, but not  
20 limited to, project permitting, state procurement, and pilot  
21 projects; and

22 (g) Encourage new and support existing public-private  
23 partnerships to increase coordinated planning and deployment of  
24 renewable fuels and electrolytic hydrogen.

25 (2) The office may take all appropriate steps to seek and apply  
26 for federal funds for which the office is eligible, and other grants,  
27 and accept donations, and must deposit these funds in the renewable  
28 fuels accelerator account created in section 104 of this act.

29 (3) In carrying out its duties, the office must collaborate with  
30 the department, the department of ecology, the department of  
31 transportation, the utilities and transportation commission, electric  
32 utilities in Washington state, the Washington State University  
33 extension energy program, and all other relevant state agencies.

34 (4) The office may cooperate with other state agencies in  
35 compiling data regarding the use of renewable fuels and electrolytic  
36 hydrogen in state operations, including motor vehicle fleets, the  
37 state ferry system, and nonroad equipment.

38 NEW SECTION. **Sec. 104.** A new section is added to chapter 43.330  
39 RCW to read as follows:

1 The renewable fuels accelerator account is created in the state  
2 treasury. Revenues to the account consist of appropriations made by  
3 the legislature, federal funds, gifts or grants from the private  
4 sector or foundations, and other sources deposited in the account.  
5 Moneys in the account may be spent only after appropriation.  
6 Expenditures from the account may be used only for purposes  
7 designated in sections 102 and 103 of this act. Only the director or  
8 the director's designee may authorize expenditures from the account.

9 **Part 2**

10 **FEDERAL FUNDING**

11 NEW SECTION. **Sec. 201.** (1)(a) The legislature finds that the  
12 federal infrastructure investment and jobs act, P.L. 117-58, provides  
13 \$8,000,000,000 over five years to support the development of regional  
14 clean hydrogen hubs. The federal infrastructure investment and jobs  
15 act requires the United States secretary of energy to establish a  
16 program to fund at least four regional hubs to aid in achieving a  
17 hydrogen fuel production carbon intensity standard provided in that  
18 legislation; to demonstrate the production, processing, delivery,  
19 storage, and end use of hydrogen; and that can be developed into a  
20 national network to facilitate a clean hydrogen economy. The federal  
21 infrastructure investment and jobs act requires the secretary of  
22 energy to select regional hubs that demonstrate a diversity of  
23 feedstocks, a diversity of end uses, and a diversity of geographic  
24 regions of the country. The federal infrastructure investment and  
25 jobs act requires the secretary of energy to solicit proposals for  
26 regional hubs by May 15, 2022, and to make selections of the hubs  
27 within one year after the deadline for submission of proposals.

28 (b) The legislature further finds that Washington state is  
29 strongly positioned to develop a regional clean energy hub meeting  
30 the criteria of the federal infrastructure investment and jobs act  
31 because the state:

32 (i) Has adopted a state energy strategy that recognizes hydrogen  
33 as an integral part of the state's decarbonization pathway;

34 (ii) Has an abundance of low cost, low carbon, reliable  
35 electricity as the primary energy resource for production of clean  
36 hydrogen;

1 (iii) Already has under construction the nation's first renewable  
2 hydrogen electrolyzer and has several hydrogen fueling facilities as  
3 well as production facilities in planning and design phases;

4 (iv) Has numerous industrial, maritime, and freight shipping  
5 concerns that are moving toward cleaner fuels and would help provide  
6 demand for hydrogen, as well as state and local governments currently  
7 considering hydrogen uses; and

8 (v) Has a demonstrated track record of building partnerships  
9 across the public and private sector to advance clean energy  
10 technologies.

11 (c) The legislature further finds that the state may help to  
12 promote and strengthen applications for regional hydrogen hub federal  
13 funding through state funding assistance to bring together multiple  
14 interests for the purpose of timely submitting applications to the  
15 United States secretary of energy for development of a regional  
16 hydrogen hub in Washington state.

17 (2) Subject to amounts appropriated for this specific purpose,  
18 the director of the department of commerce must seek to enter  
19 agreements with one or more nonprofit entities or public agencies for  
20 the purpose of preparing an application to secure federal funding to  
21 develop a regional clean hydrogen hub in Washington state. If the  
22 director determines that a single agreement with an entity to prepare  
23 an application is more competitive for federal funding than  
24 supporting multiple applications, the director may not make more than  
25 one award of funding. The director shall seek to enter a funding  
26 agreement with an entity whose proposal demonstrates:

27 (a) A broad assembly of participants in developing and  
28 implementing the infrastructure of a regional hydrogen hub;

29 (b) That a strong and timely application will be submitted to the  
30 United States department of energy; and

31 (c) Commitments from manufacturing industries, transportation,  
32 utilities, and other sectors to incorporate hydrogen fuels into their  
33 transition to cleaner energy.

34 (3) In addition to the assistance in applying for federal funding  
35 provided through subsection (2) of this section, the legislature  
36 intends that the state fully support a regional clean energy hub in  
37 the state, including further direct financial assistance in  
38 developing the hub and the acquisition of hydrogen fuels for state  
39 agency and local government uses.

1 **Part 3**

2 **UTILITIES AND TRANSPORTATION COMMISSION REPORT**

3 NEW SECTION. **Sec. 301.** (1) By December 1, 2024, the utilities  
4 and transportation commission must submit to the appropriate  
5 committees of the senate and house of representatives a report  
6 addressing the following regarding advancing the production and use  
7 of hydrogen as an energy storage resource or fuel in the state:

8 (a) Whether the rates and services of hydrogen fuels distributed  
9 through natural gas distribution infrastructure is within the  
10 regulation of the utilities and transportation commission, or whether  
11 such jurisdiction should be assigned by the legislature as such  
12 regulation is provided for other public service companies, such as  
13 natural gas companies;

14 (b) Whether electric utilities regulated by the commission should  
15 analyze the costs and benefits of adopting special tariffs for the  
16 electrolytic production of hydrogen fuels;

17 (c) Recommended standards, including safety standards, for  
18 blending of nonfossil feedstock hydrogen into natural gas  
19 distribution infrastructure; and

20 (d) The role that nonfossil feedstock hydrogen may serve as the  
21 state reduces greenhouse gas emissions from fossil natural gas,  
22 including findings and recommendations included in the commission's  
23 decarbonization inquiry required under section 143, chapter 334, Laws  
24 of 2021.

25 (2) This section expires June 30, 2025.

26 **Part 4**

27 **ELECTROLYTIC HYDROGEN**

28 **Sec. 401.** RCW 80.50.020 and 2021 c 317 s 17 are each amended to  
29 read as follows:

30 The definitions in this section apply throughout this chapter  
31 unless the context clearly requires otherwise.

32 (1) "Alternative energy resource" includes energy facilities of  
33 the following types: (a) Wind; (b) solar energy; (c) geothermal  
34 energy; (d) ~~((landfill))~~ renewable natural gas; (e) wave or tidal  
35 action; ~~((or))~~ (f) biomass energy based on solid organic fuels from  
36 wood, forest, or field residues, or dedicated energy crops that do  
37 not include wood pieces that have been treated with chemical

1 preservatives such as creosote, pentachlorophenol, or copper-chrome-  
2 arsenic; (g) renewable or electrolytic hydrogen; or (h) a storage  
3 facility.

4 (2) "Applicant" means any person who makes application for a site  
5 certification pursuant to the provisions of this chapter.

6 (3) "Application" means any request for approval of a particular  
7 site or sites filed in accordance with the procedures established  
8 pursuant to this chapter, unless the context otherwise requires.

9 (4) "Associated facilities" means storage, transmission,  
10 handling, or other related and supporting facilities connecting an  
11 energy plant with the existing energy supply, processing, or  
12 distribution system, including, but not limited to, communications,  
13 controls, mobilizing or maintenance equipment, instrumentation, and  
14 other types of ancillary transmission equipment, off-line storage or  
15 venting required for efficient operation or safety of the  
16 transmission system and overhead, and surface or subsurface lines of  
17 physical access for the inspection, maintenance, and safe operations  
18 of the transmission facility and new transmission lines constructed  
19 to operate at nominal voltages of at least 115,000 volts to connect a  
20 thermal power plant or alternative energy facilities to the northwest  
21 power grid. However, common carrier railroads or motor vehicles shall  
22 not be included.

23 (5) "Biofuel" means a liquid or gaseous fuel derived from organic  
24 matter intended for use as a transportation fuel including, but not  
25 limited to, biodiesel, renewable diesel, ethanol, renewable natural  
26 gas, and renewable propane.

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

33 (7) "Construction" means on-site improvements, excluding  
34 exploratory work, which cost in excess of two hundred fifty thousand  
35 dollars.

36 (8) "Council" means the energy facility site evaluation council  
37 created by RCW 80.50.030.

38 (9) "Counsel for the environment" means an assistant attorney  
39 general or a special assistant attorney general who shall represent  
40 the public in accordance with RCW 80.50.080.

1 (10) "Electrical transmission facilities" means electrical power  
2 lines and related equipment.

3 (11) "Energy facility" means an energy plant or transmission  
4 facilities: PROVIDED, That the following are excluded from the  
5 provisions of this chapter:

6 (a) Facilities for the extraction, conversion, transmission or  
7 storage of water, other than water specifically consumed or  
8 discharged by energy production or conversion for energy purposes;  
9 and

10 (b) Facilities operated by and for the armed services for  
11 military purposes or by other federal authority for the national  
12 defense.

13 (12) "Energy plant" means the following facilities together with  
14 their associated facilities:

15 (a) Any nuclear power facility where the primary purpose is to  
16 produce and sell electricity;

17 (b) Any nonnuclear stationary thermal power plant with generating  
18 capacity of (~~three hundred fifty thousand~~) 350,000 kilowatts or  
19 more, measured using maximum continuous electric generating capacity,  
20 less minimum auxiliary load, at average ambient temperature and  
21 pressure, and floating thermal power plants of (~~one hundred~~  
22 ~~thousand~~) 100,000 kilowatts or more suspended on the surface of  
23 water by means of a barge, vessel, or other floating platform;

24 (c) Facilities which will have the capacity to receive liquefied  
25 natural gas in the equivalent of more than (~~one hundred million~~)  
26 100,000,000 standard cubic feet of natural gas per day, which has  
27 been transported over marine waters;

28 (d) Facilities which will have the capacity to receive more than  
29 an average of (~~fifty thousand~~) 50,000 barrels per day of crude or  
30 refined petroleum or liquefied petroleum gas which has been or will  
31 be transported over marine waters, except that the provisions of this  
32 chapter shall not apply to storage facilities unless occasioned by  
33 such new facility construction;

34 (e) Any underground reservoir for receipt and storage of natural  
35 gas as defined in RCW 80.40.010 capable of delivering an average of  
36 more than (~~one hundred million~~) 100,000,000 standard cubic feet of  
37 natural gas per day;

38 (f) Facilities capable of processing more than (~~twenty-five~~  
39 ~~thousand~~) 25,000 barrels per day of petroleum or biofuel into

1 refined products except where such biofuel production is undertaken  
2 at existing industrial facilities; and

3 (g) Facilities capable of producing more than (~~one thousand five~~  
4 ~~hundred~~) 1,500 barrels per day of refined biofuel but less than  
5 (~~twenty-five thousand~~) 25,000 barrels of refined biofuel.

6 (13) "Independent consultants" means those persons who have no  
7 financial interest in the applicant's proposals and who are retained  
8 by the council to evaluate the applicant's proposals, supporting  
9 studies, or to conduct additional studies.

10 (14) "Land use plan" means a comprehensive plan or land use  
11 element thereof adopted by a unit of local government pursuant to  
12 chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise  
13 designated by chapter 325, Laws of 2007.

14 (15) "Person" means an individual, partnership, joint venture,  
15 private or public corporation, association, firm, public service  
16 company, political subdivision, municipal corporation, government  
17 agency, public utility district, or any other entity, public or  
18 private, however organized.

19 (16) "Preapplicant" means a person considering applying for a  
20 site certificate agreement for any transmission facility.

21 (17) "Preapplication process" means the process which is  
22 initiated by written correspondence from the preapplicant to the  
23 council, and includes the process adopted by the council for  
24 consulting with the preapplicant and with cities, towns, and counties  
25 prior to accepting applications for all transmission facilities.

26 (18) "Secretary" means the secretary of the United States  
27 department of energy.

28 (19) "Site" means any proposed or approved location of an energy  
29 facility, alternative energy resource, or electrical transmission  
30 facility.

31 (20) "Thermal power plant" means, for the purpose of  
32 certification, any electrical generating facility using any fuel for  
33 distribution of electricity by electric utilities.

34 (21) "Transmission facility" means any of the following together  
35 with their associated facilities:

36 (a) Crude or refined petroleum or liquid petroleum product  
37 transmission pipeline of the following dimensions: A pipeline larger  
38 than six inches minimum inside diameter between valves for the  
39 transmission of these products with a total length of at least  
40 (~~fifteen~~) 15 miles;

1 (b) Natural gas, synthetic fuel gas, or liquefied petroleum gas  
2 transmission pipeline of the following dimensions: A pipeline larger  
3 than (~~fourteen~~) 14 inches minimum inside diameter between valves,  
4 for the transmission of these products, with a total length of at  
5 least (~~fifteen~~) 15 miles for the purpose of delivering gas to a  
6 distribution facility, except an interstate natural gas pipeline  
7 regulated by the United States federal power commission.

8 (22) "Zoning ordinance" means an ordinance of a unit of local  
9 government regulating the use of land and adopted pursuant to chapter  
10 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state  
11 Constitution, or as otherwise designated by chapter 325, Laws of  
12 2007.

13 (23) (a) "Electrolytic hydrogen" means hydrogen produced through  
14 electrolysis.

15 (b) "Electrolytic hydrogen" does not include hydrogen  
16 manufactured using steam reforming or any other conversion technology  
17 that produces hydrogen from a fossil fuel feedstock.

18 (24) "Renewable hydrogen" means hydrogen produced using renewable  
19 resources both as the source for the hydrogen and the source for the  
20 energy input into the production process.

21 (25) "Renewable natural gas" means a gas consisting largely of  
22 methane and other hydrocarbons derived from the decomposition of  
23 organic material in landfills, wastewater treatment facilities, and  
24 anaerobic digesters.

25 (26) "Storage facility" means a facility to: (a) Accept  
26 electricity as an energy source and uses a chemical, thermal,  
27 mechanical, or other process to store energy for subsequent delivery  
28 or consumption in the form of electricity; or (b) store renewable  
29 hydrogen or green electrolytic hydrogen for subsequent delivery or  
30 consumption.

31 **Sec. 402.** RCW 54.04.190 and 2019 c 24 s 1 are each amended to  
32 read as follows:

33 (1) In addition to any other authority provided by law, public  
34 utility districts are authorized to produce and distribute biodiesel,  
35 ethanol, and ethanol blend fuels, including entering into crop  
36 purchase contracts for a dedicated energy crop for the purpose of  
37 generating electricity or producing biodiesel produced from  
38 Washington feedstocks, cellulosic ethanol, and cellulosic ethanol

1 blend fuels for use in internal operations of the electric utility  
2 and for sale or distribution.

3 (2) In addition to any other authority provided by law:

4 (a) Public utility districts are authorized to produce renewable  
5 natural gas, electrolytic hydrogen, and renewable hydrogen and  
6 utilize the renewable natural gas, electrolytic hydrogen, or  
7 renewable hydrogen they produce for internal operations.

8 (b) Public utility districts may sell renewable natural gas,  
9 electrolytic hydrogen, or renewable hydrogen that is delivered into a  
10 gas transmission pipeline located in the state of Washington or  
11 delivered in pressurized containers:

12 (i) At wholesale;

13 (ii) To an end-use customer; or

14 (iii) If delivered in a pressurized container, or if the end-use  
15 customer takes delivery of the renewable natural gas, electrolytic  
16 hydrogen, or renewable hydrogen through a pipeline, and the end-use  
17 customer is an eligible purchaser of natural gas from sellers other  
18 than the gas company from which that end-use customer takes  
19 transportation service and:

20 (A) When the sale is made to an end-use customer in the state of  
21 Washington, the sale is made pursuant to a transportation tariff  
22 approved by the Washington utilities and transportation commission;  
23 or

24 (B) When the sale to an end-use customer is made outside of the  
25 state of Washington, the sale is made pursuant to a transportation  
26 tariff approved by the state agency which regulates retail sales of  
27 natural gas.

28 (c) Public utility districts may sell renewable natural gas,  
29 electrolytic hydrogen, or renewable hydrogen at wholesale or to an  
30 end-use customer through a pipeline directly from renewable natural  
31 gas, electrolytic hydrogen, or renewable hydrogen production  
32 facilities to facilities that compress, liquefy, or dispense  
33 compressed natural gas, liquefied natural gas, electrolytic hydrogen,  
34 or renewable hydrogen fuel for end use as a transportation fuel.

35 (d) Public utility districts may sell electrolytic hydrogen or  
36 renewable hydrogen at wholesale or to an end-use customer in  
37 pressurized containers directly from electrolytic hydrogen or  
38 renewable hydrogen production facilities to facilities that utilize  
39 electrolytic hydrogen or renewable hydrogen as a nonutility related  
40 input for a manufacturing process.

1 (3) Except as provided in subsection (2)(b)(iii) of this section,  
2 nothing in this section authorizes a public utility district to sell  
3 renewable natural gas, electrolytic hydrogen, or renewable hydrogen  
4 delivered by pipeline to an end-use customer of a gas company.

5 (4)(a) Except as provided in this subsection (4), nothing in this  
6 section authorizes a public utility district to own or operate  
7 natural gas distribution pipeline systems used to serve retail  
8 customers.

9 (b) For the purposes of subsection (2)(b) of this section, public  
10 utility districts are authorized to own and operate interconnection  
11 pipelines that connect renewable natural gas, electrolytic hydrogen,  
12 or renewable hydrogen production facilities to gas transmission  
13 pipelines.

14 (c) For the purposes of subsection (2)(c) of this section, public  
15 utility districts may own and/or operate pipelines to supply, and/or  
16 compressed natural gas, liquefied natural gas, electrolytic hydrogen,  
17 or renewable hydrogen facilities to provide, renewable natural gas,  
18 electrolytic hydrogen, or renewable hydrogen for end use as a  
19 transportation fuel if all such pipelines and facilities are located  
20 in the county in which the public utility district is authorized to  
21 provide utility service.

22 (5) Exercise of the authorities granted under this section to  
23 public utility districts does not subject them to the jurisdiction of  
24 the utilities and transportation commission, except that public  
25 utility districts are subject only to administration and enforcement  
26 by the commission of state and federal requirements related to  
27 pipeline safety and fees payable to the commission that are  
28 applicable to such administration and enforcement.

29 (6) The definitions in this subsection apply throughout this  
30 section unless the context clearly requires otherwise.

31 (a) "Electrolytic hydrogen" means hydrogen produced through  
32 electrolysis, and does not include hydrogen manufactured using steam  
33 reforming or any other conversion technology that produces hydrogen  
34 from a fossil fuel feedstock.

35 (b) "Renewable natural gas" means a gas consisting largely of  
36 methane and other hydrocarbons derived from the decomposition of  
37 organic material in landfills, wastewater treatment facilities, and  
38 anaerobic digesters.



1        NEW SECTION.    **Sec. 502.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

--- **END** ---