

HOUSE BILL ANALYSIS

SSB 6411

Title: An act relating to studying the energy facility siting process.

Brief Description: Studying the energy facility siting process.

Sponsors: Senate Committee on Energy, Technology & Telecommunications (originally sponsored by Senators Spanel, Gardner, Brown, Fairley, Franklin, B. Sheldon, Shin, Kline, Patterson, Haugen, Kohl-Welles, Costa, Thibaudeau, Prentice, Fraser and Goings).

HOUSE COMMITTEE ON TECHNOLOGY, TELECOMMUNICATIONS AND ENERGY

Meeting Date: February 23, 2000.

Staff: Scott MacColl (786-7106).

Background:

Energy Facility Site Evaluation Council

Before a major energy facility (power plants with electrical generating capacity of 250 MW or more including associated facilities such as transmission lines in excess of 200,000 volts) can be sited, constructed, or operated in Washington, application must be made to the Energy Facility Site Evaluation Council (EFSEC). EFSEC was created to provide for a one-stop licensing agency for major, non-hydro energy projects. Federal entities or other local or state agencies may preempt some areas.

EFSEC is an agency comprised of a chairperson appointed by the governor and representatives from nine state agencies. Representatives from the particular cities, counties or port districts augment EFSEC where potential projects may be located during the certification process.

The last comprehensive review of the EFSEC statute was in 1993. The legislative task force did not achieve consensus, and as a result a divided report was submitted, and very little change occurred.

In mid-1998, EFSEC initiated its own scrutiny to improve the EFSEC process. This resulted in the formation of several task forces.

As a result of recent situations including the termination of the Cross Cascades pipeline proceeding, public interest to the siting process has reemerged. The governor's Fuel Accident Prevention Team, formed after the Bellingham explosion, has formed a siting and prevention subcommittee to review the need for reform to pipeline siting.

Statutory authority resides in RCW 80.50, and associated rules in WAC 463.

Summary of Bill:

Task Force

A Joint Legislative Task Force on energy facility siting reform is created. The task force will review the current siting authority and recommend changes to modernize the siting process. The task force will consist of the following sixteen members:

- four members of the Senate (two majority, two minority);
- four members of the House (two from each party); and
- eight non-voting members appointed by the director of the Department of Community, Trade, and Economic Development (CTED) to represent stakeholders.

The CTED is responsible for hiring a facilitator to assist the task force.

Issues

The task force will address at a minimum:

- the types of facilities regulated by EFSEC;
- a siting authority's membership;
- application review procedures;
- scope of authority to preempt local governments and other state agencies;
- consistencies between state siting process, local land use regulations, and growth management siting processes;
- the balance between the need for proposed projects and the public interest in the environment;
- the role of the counsel for the environment;
- adequacy of funding mechanisms;
- oversight responsibility; and
- issues associated with locating facilities on public lands.

Report

The task force will convene by April 10, 2000, and report to the Legislature by December 1, 2000.

Vesting

Applications made between January 1, 2000, and August 1, 2001, do not necessarily vest at time of filing. These applications will vest to standards or requirements in effect on August 1, 2001, or upon certification of the project, whichever comes first.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Bill: The bill contains an emergency clause and takes effect immediately.