

SHB 1570 - S COMM AMD

By Committee on Environment, Water & Energy

ADOPTED 04/12/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 80.50.071 and 2010 c 152 s 3 are each amended to read
4 as follows:

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

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

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

23 (c) The council shall submit to each applicant a statement of such
24 expenditures made during the preceding calendar quarter which shall be
25 in sufficient detail to explain such expenditures. The applicant shall
26 pay the state treasurer the amount of such statement to restore the
27 total amount on deposit to the originally established level: PROVIDED,
28 That such applicant may, at the request of the council, increase the
29 amount of funds on deposit to cover anticipated expenses during peak
30 periods of application processing. Any funds remaining unexpended at

1 the conclusion of application processing shall be refunded to the
2 applicant, or at the applicant's option, credited against required
3 deposits of certificate holders.

4 (2) Each certificate holder shall pay such reasonable costs as are
5 actually and necessarily incurred by the council for inspection and
6 determination of compliance by the certificate holder with the terms of
7 the certification relative to monitoring the effects of construction,
8 operation, and site restoration of the facility.

9 (a) Each certificate holder, within thirty days of execution of the
10 site certification agreement, shall have on deposit fifty thousand
11 dollars, or such greater amount as may be specified by the council
12 after consultation with the certificate holder. Costs that may be
13 charged against the deposit include, but are not limited to, those
14 specified in subsection (1)(a) of this section as arise from inspection
15 and determination of compliance by the certificate holder with the
16 terms of the certification.

17 (b) The council shall submit to each certificate holder a statement
18 of such expenditures actually made during the preceding calendar
19 quarter which shall be in sufficient detail to explain such
20 expenditures. The certificate holder shall pay the state treasurer the
21 amount of such statement to restore the total amount on deposit to the
22 originally established level: PROVIDED, That if the actual
23 expenditures for inspection and determination of compliance in the
24 preceding calendar quarter have exceeded the amount of funds on
25 deposit, such excess costs shall be paid by the certificate holder.

26 (3) If an applicant or certificate holder fails to provide the
27 initial deposit, or if subsequently required payments are not received
28 within thirty days following receipt of the statement from the council,
29 the council may (a) in the case of the applicant, suspend processing of
30 the application until payment is received; or (b) in the case of a
31 certificate holder, suspend the certification.

32 (4) All payments required of the applicant or certificate holder
33 under this section are to be made to the state treasurer who shall make
34 payments as instructed by the council from the funds submitted. All
35 such funds shall be subject to state auditing procedures. Any
36 unexpended portions thereof shall be returned to the applicant or
37 certificate holder.

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

7 (i) A description of the proposed energy plant or alternative
8 energy resource;

9 (ii) The location of the site;

10 (iii) The placement of the energy plant or alternative energy
11 resource on the site;

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

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

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

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

27 NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW
28 to read as follows:

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

35 (a) A description of the proposed energy plant or alternative
36 energy resource;

37 (b) The location of the site;

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

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

5 (e) Contact information of the county permitting authority and the
6 applicant.

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

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

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

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

25 (a) A description of the proposed energy plant or alternative
26 energy resource;

27 (b) The location of the site;

28 (c) The placement of the energy plant or alternative energy
29 resource on the site;

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

32 (e) Contact information of the city or town permitting authority
33 and the applicant.

34 (2) The purpose of the written notification is to provide an
35 opportunity for the United States department of defense to comment upon
36 the application, and to identify potential issues relating to the
37 placement and operations of the energy plant or alternative energy

1 resource, before a permit application is approved. The time period set
2 forth by the city or town for receipt of such comments shall not extend
3 the time period for the city's processing of the application.

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

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

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

15 (a) A description of the proposed energy plant or alternative
16 energy resource;

17 (b) The location of the site;

18 (c) The placement of the energy plant or alternative energy
19 resource on the site;

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

22 (e) Contact information of the city permitting authority and the
23 applicant.

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

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

ADOPTED 04/12/2011

1 On page 1, line 1 of the title, after "projects;" strike the
2 remainder of the title and insert "amending RCW 80.50.071; adding a new
3 section to chapter 36.01 RCW; adding a new section to chapter 35.63
4 RCW; and adding a new section to chapter 35A.63 RCW."

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