
SENATE BILL 5431

State of Washington

63rd Legislature

2013 Regular Session

By Senators Ericksen, Carrell, Pearson, Benton, Padden, Smith, and Bailey

Read first time 01/30/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to recognizing hydroelectricity as an eligible
2 renewable resource in the energy independence act; amending RCW
3 19.285.020; and reenacting and amending RCW 19.285.030.

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

5 **Sec. 1.** RCW 19.285.020 and 2007 c 1 s 2 are each amended to read
6 as follows:

7 Increasing energy conservation and the use of appropriately sited
8 renewable energy facilities (~~((builds on the strong foundation of low-~~
9 ~~cost renewable hydroelectric generation in Washington state and))~~) will
10 promote energy independence in the state and the Pacific Northwest
11 region. Making the most of our plentiful local resources will
12 stabilize electricity prices for Washington residents, provide economic
13 benefits for Washington counties and farmers, create high-quality jobs
14 in Washington, provide opportunities for training apprentice workers in
15 the renewable energy field, protect clean air and water, and position
16 Washington state as a national leader in clean energy technologies.

17 **Sec. 2.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and
18 amended to read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Attorney general" means the Washington state office of the
4 attorney general.

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

10 (3)(a) "Biomass energy" includes: (i) Organic by-products of
11 pulping and the wood manufacturing process; (ii) animal manure; (iii)
12 solid organic fuels from wood; (iv) forest or field residues; (v)
13 untreated wooden demolition or construction debris; (vi) food waste and
14 food processing residuals; (vii) liquors derived from algae; (viii)
15 dedicated energy crops; and (ix) yard waste.

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

20 (4) "Commission" means the Washington state utilities and
21 transportation commission.

22 (5) "Conservation" means any reduction in electric power
23 consumption resulting from increases in the efficiency of energy use,
24 production, or distribution.

25 (6) "Cost-effective" has the same meaning as defined in RCW
26 80.52.030.

27 (7) "Council" means the Washington state apprenticeship and
28 training council within the department of labor and industries.

29 (8) "Customer" means a person or entity that purchases electricity
30 for ultimate consumption and not for resale.

31 (9) "Department" means the department of commerce or its successor.

32 (10) "Distributed generation" means an eligible renewable resource
33 where the generation facility or any integrated cluster of such
34 facilities has a generating capacity of not more than five megawatts.

35 (11) "Eligible renewable resource" means:

36 (a) Electricity from a generation facility powered by a renewable
37 resource (~~((other than freshwater))~~) that commences operation after March
38 31, 1999, where: (i) The facility is located in the Pacific Northwest;

1 or (ii) the electricity from the facility is delivered into Washington
2 state on a real-time basis without shaping, storage, or integration
3 services;

4 ~~(b) ((Incremental electricity produced as a result of efficiency~~
5 ~~improvements completed after March 31, 1999, to hydroelectric~~
6 ~~generation projects owned by a qualifying utility and located in the~~
7 ~~Pacific Northwest or to hydroelectric generation in irrigation pipes~~
8 ~~and canals located in the Pacific Northwest, where the additional~~
9 ~~generation in either case does not result in new water diversions or~~
10 ~~impoundments; and)) Electricity from a generation facility powered by~~
11 ~~water that commenced operation before March 31, 1999, where the~~
12 ~~facility is located in the Pacific Northwest; or~~

13 (c) Qualified biomass energy.

14 (12) "Investor-owned utility" has the same meaning as defined in
15 RCW 19.29A.010.

16 (13) "Load" means the amount of kilowatt-hours of electricity
17 delivered in the most recently completed year by a qualifying utility
18 to its Washington retail customers.

19 (14) "Nonpower attributes" means all environmentally related
20 characteristics, exclusive of energy, capacity reliability, and other
21 electrical power service attributes, that are associated with the
22 generation of electricity from a renewable resource, including but not
23 limited to the facility's fuel type, geographic location, vintage,
24 qualification as an eligible renewable resource, and avoided emissions
25 of pollutants to the air, soil, or water, and avoided emissions of
26 carbon dioxide and other greenhouse gases.

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

31 (16) "Public facility" has the same meaning as defined in RCW
32 39.35C.010.

33 (17) "Qualified biomass energy" means electricity produced from a
34 biomass energy facility that: (a) Commenced operation before March 31,
35 1999; (b) contributes to the qualifying utility's load; and (c) is
36 owned either by: (i) A qualifying utility; or (ii) an industrial
37 facility that is directly interconnected with electricity facilities

1 that are owned by a qualifying utility and capable of carrying
2 electricity at transmission voltage.

3 (18) "Qualifying utility" means an electric utility, as the term
4 "electric utility" is defined in RCW 19.29A.010, that serves more than
5 twenty-five thousand customers in the state of Washington. The number
6 of customers served may be based on data reported by a utility in form
7 861, "annual electric utility report," filed with the energy
8 information administration, United States department of energy.

9 (19) "Renewable energy credit" means a tradable certificate of
10 proof of at least one megawatt-hour of an eligible renewable resource
11 (~~where the generation facility is not powered by freshwater~~). The
12 certificate includes all of the nonpower attributes associated with
13 that one megawatt-hour of electricity, and the certificate is verified
14 by a renewable energy credit tracking system selected by the
15 department.

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

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

25 (22) "Year" means the twelve-month period commencing January 1st
26 and ending December 31st.

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