
SUBSTITUTE SENATE BILL 5676

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Environment & Natural Resources (originally sponsored by Senators Metcalf and A. Smith).

Read first time March 6, 1991.

1 AN ACT Relating to oil transmission lines; amending RCW 80.50.100;
2 adding new sections to chapter 80.50 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that oil
5 transmission lines can be harmful to the public welfare and that it is
6 in the best interest of the state to have oil transmission lines
7 conform to local zoning and environmental codes.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 80.50 RCW
9 to read as follows:

10 The council shall not recommend approval of an application that
11 includes transmission facilities for petroleum products, and the
12 governor shall not approve such an application, where the proposed
13 siting and construction of the transmission facility is prohibited by

1 county zoning and environmental codes enacted in order to protect a
2 federally designated sole source aquifer.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 80.50 RCW
4 to read as follows:

5 (1) The applicant shall pay all costs incurred by a city or county
6 for activities related to the site application process for oil
7 transmission lines, including costs for independent consultants and
8 judicial proceedings.

9 (2) The city or county shall submit to each applicant a statement
10 of expenses, in sufficient detail to explain such expenses, that are
11 actually incurred by the city or county for the purposes described in
12 subsection (1) of this section.

13 **Sec. 4.** RCW 80.50.100 and 1989 c 175 s 174 are each amended to
14 read as follows:

15 (1) The council shall report to the governor and the legislature,
16 as required by this section, its recommendations as to the approval or
17 rejection of an application for certification within twelve months of
18 receipt by the council of such an application, or such later time as is
19 mutually agreed by the council and the applicant. If the council
20 recommends approval of an application for certification, it shall also
21 submit a draft certification agreement with the report. The council
22 shall include conditions in the draft certification agreement to
23 implement the provisions of this chapter, including, but not limited
24 to, conditions to protect state or local governmental or community
25 interests affected by the construction or operation of the energy
26 facility, and conditions designed to recognize the purpose of laws or
27 ordinances, or rules or regulations promulgated thereunder, that are

1 preempted or superseded pursuant to RCW 80.50.110 as now or hereafter
2 amended.

3 (2) For applications concerning petroleum or other natural resource
4 pipelines to be located within Puget Sound, Admiralty Inlet, Deception
5 Pass, or adjacent marine waters, the council shall submit its report to
6 the legislature. If the council recommends approval, the legislature
7 may approve the application, reject the application, or direct the
8 council to reconsider certain aspects. If the legislature rejects the
9 application, no further action may be taken with regard to that
10 application. If the legislature approves the application, the governor
11 shall have all options and procedures available under this section.

12 (3) Except for applications rejected by the legislature under
13 subsection (2) of this section, within sixty days of receipt of the
14 council's report or the legislature's approval the governor shall take
15 one of the following actions:

16 (a) Approve the application and execute the draft certification
17 agreement; or

18 (b) Reject the application; or

19 (c) Direct the council to reconsider certain aspects of the draft
20 certification agreement.

21 The council shall reconsider such aspects of the draft
22 certification agreement by reviewing the existing record of the
23 application or, as necessary, by reopening the adjudicative proceeding
24 for the purposes of receiving additional evidence. Such
25 reconsideration shall be conducted expeditiously. The council shall
26 resubmit the draft certification to the governor incorporating any
27 amendments deemed necessary upon reconsideration. Within sixty days of
28 receipt of such draft certification agreement, the governor shall
29 either approve the application and execute the certification agreement

1 or reject the application. The certification agreement shall be
2 binding upon execution by the governor and the applicant.

3 ~~((3))~~ (4) The rejection of an application for certification by
4 the governor shall be final as to that application but shall not
5 preclude submission of a subsequent application for the same site on
6 the basis of changed conditions or new information.