
SENATE BILL 5680

State of Washington 52nd Legislature 1991 Regular Session

By Senators Thorsness, Patterson, Williams and Saling.

Read first time February 14, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to siting of electrical transmission facilities;
2 amending RCW 80.50.020 and 80.50.060; adding a new section to chapter
3 80.50 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that electricity
6 is essential to a healthy economy and to the health, safety, and
7 welfare of the state's citizens. The legislature further finds that as
8 the sensitivity to siting of electrical facilities increases, a more
9 efficient process is needed to approve the siting of these facilities.

10 **Sec. 2.** RCW 80.50.020 and 1977 ex.s. c 371 s 2 are each amended to
11 read as follows:

12 (1) "Applicant" means any person who makes application for a site
13 certification pursuant to the provisions of this chapter;

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

4 (3) "Person" means an individual, partnership, joint venture,
5 private or public corporation, association, firm, public service
6 company, political subdivision, municipal corporation, government
7 agency, public utility district, or any other entity, public or
8 private, however organized;

9 (4) "Site" means any proposed or approved location of an energy
10 facility;

11 (5) "Certification" means a binding agreement between an applicant
12 and the state which shall embody compliance to the siting guidelines,
13 in effect as of the date of certification, which have been adopted
14 pursuant to RCW 80.50.040 as now or hereafter amended as conditions to
15 be met prior to or concurrent with the construction or operation of any
16 energy facility;

17 (6) "Associated facilities" means storage, transmission, handling,
18 or other related and supporting facilities connecting an energy plant
19 with the existing energy supply, processing, or distribution system,
20 including, but not limited to, communications, controls, mobilizing or
21 maintenance equipment, instrumentation, and other types of ancillary
22 transmission equipment, off-line storage or venting required for
23 efficient operation or safety of the transmission system and overhead,
24 and surface or subsurface lines of physical access for the inspection,
25 maintenance, and safe operations of the transmission facility and new
26 transmission lines constructed to operate at nominal voltages in excess
27 of ((200,000)) 100,000 volts to connect a thermal power plant to the
28 northwest power grid: PROVIDED, That common carrier railroads or motor
29 vehicles shall not be included;

1 (7) "Transmission facility" means any of the following together
2 with their associated facilities:

3 (a) Crude or refined petroleum or liquid petroleum product
4 transmission pipeline of the following dimensions: A pipeline larger
5 than six inches minimum inside diameter between valves for the
6 transmission of these products with a total length of at least fifteen
7 miles;

8 (b) Natural gas, synthetic fuel gas, or liquified petroleum gas
9 transmission pipeline of the following dimensions: A pipeline larger
10 than fourteen inches minimum inside diameter between valves, for the
11 transmission of these products, with a total length of at least fifteen
12 miles for the purpose of delivering gas to a distribution facility,
13 except an interstate natural gas pipeline regulated by the United
14 States federal power commission;

15 (c) Electrical transmission lines constructed to operate at nominal
16 voltages in excess of 100,000 volts;

17 (8) "Independent consultants" means those persons who have no
18 financial interest in the applicant's proposals and who are retained by
19 the council to evaluate the applicant's proposals, supporting studies,
20 or to conduct additional studies;

21 (9) "Thermal power plant" means, for the purpose of certification,
22 any electrical generating facility using any fuel, including nuclear
23 materials, for distribution of electricity by electric utilities;

24 (10) "Energy facility" means an energy plant or transmission
25 facilities: PROVIDED, That the following are excluded from the
26 provisions of this chapter:

27 (a) Facilities for the extraction, conversion, transmission or
28 storage of water, other than water specifically consumed or discharged
29 by energy production or conversion for energy purposes; and

1 (b) Facilities operated by and for the armed services for military
2 purposes or by other federal authority for the national defense;

3 (11) "Council" means the energy facility site evaluation council
4 created by RCW 80.50.030;

5 (12) "Counsel for (~~the~~) the environment" means an assistant
6 attorney general or a special assistant attorney general who shall
7 represent the public in accordance with RCW 80.50.080;

8 (13) "Construction" means on-site improvements, excluding
9 exploratory work, which cost in excess of two hundred fifty thousand
10 dollars;

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

13 (a) Any stationary thermal power plant with generating capacity of
14 two hundred fifty thousand kilowatts or more and floating thermal power
15 plants of fifty thousand kilowatts or more, including associated
16 facilities;

17 (b) Facilities which will have the capacity to receive liquified
18 natural gas in the equivalent of more than one hundred million standard
19 cubic feet of natural gas per day, which has been transported over
20 marine waters;

21 (c) Facilities which will have the capacity to receive more than an
22 average of fifty thousand barrels per day of crude or refined petroleum
23 or liquified petroleum gas which has been or will be transported over
24 marine waters, except that the provisions of this chapter shall not
25 apply to storage facilities unless occasioned by such new facility
26 construction;

27 (d) Any underground reservoir for receipt and storage of natural
28 gas as defined in RCW 80.40.010 capable of delivering an average of
29 more than one hundred million standard cubic feet of natural gas per
30 day; and

1 (e) Facilities capable of processing more than twenty-five thousand
2 barrels per day of petroleum into refined products;

3 (15) "Land use plan" means a comprehensive plan or land use element
4 thereof adopted by a unit of local government pursuant to chapters
5 35.63, 35A.63, or 36.70 RCW;

6 (16) "Zoning ordinance" means an ordinance of a unit of local
7 government regulating the use of land and adopted pursuant to chapters
8 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

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

11 The council shall by rule adopt a specific procedure for the
12 processing of applications of electrical transmission facilities as
13 defined by RCW 80.50.020(7)(c). In developing rules under this
14 section, the council may adopt fee schedules and decision schedules
15 that differ from similar requirements under this chapter.

16 **Sec. 4.** RCW 80.50.060 and 1977 ex.s. c 371 s 5 are each amended to
17 read as follows:

18 (1) The provisions of this chapter shall apply to the construction
19 of energy facilities which includes the new construction of energy
20 facilities and the reconstruction or enlargement of existing energy
21 facilities where the net increase in physical capacity or dimensions
22 resulting from such reconstruction or enlargement meets or exceeds
23 those capacities or dimensions set forth in RCW 80.50.020 (7) and
24 (~~((+17))~~) (14), as now or hereafter amended. No construction of such
25 energy facilities may be undertaken, except as otherwise provided in
26 this chapter, after July 15, 1977, without first obtaining
27 certification in the manner provided in this chapter.

1 (2) The provisions of this chapter shall not apply to normal
2 maintenance and repairs which do not increase the capacity or
3 dimensions beyond those set forth in RCW 80.50.020 (7) and (~~(17), as~~
4 ~~now or hereafter amended~~)) (14).

5 (3) Applications for certification of energy facilities made prior
6 to July 15, 1977 shall continue to be governed by the applicable
7 provisions of law in effect on the day immediately preceding July 15,
8 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which shall
9 apply to such prior applications and to site certifications
10 prospectively from July 15, 1977.

11 (4) Applications for certification shall be upon forms prescribed
12 by the council and shall be supported by such information and technical
13 studies as the council may require.

14 NEW SECTION. **Sec. 5.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.