

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1761**

Chapter 69, Laws of 1995

54th Legislature  
1995 Regular Session

Determination of output of major energy projects

EFFECTIVE DATE: 7/23/95

Passed by the House March 9, 1995  
Yeas 92 Nays 3

CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate April 4, 1995  
Yeas 43 Nays 2

JOEL PRITCHARD

**President of the Senate**

Approved April 17, 1995

MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1761** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

**Chief Clerk**

FILED

April 17, 1995 - 4:09 p.m.

**Secretary of State  
State of Washington**

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HOUSE BILL 1761

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Passed Legislature - 1995 Regular Session

State of Washington                      54th Legislature                      1995 Regular Session

By Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson,  
Morris, Mielke, Mitchell and Kessler

Read first time 02/08/95. Referred to Committee on Energy & Utilities.

1            AN ACT Relating to clarification of physical conditions for  
2 determining the output of major energy projects; and amending RCW  
3 80.50.020 and 80.52.030.

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

5            **Sec. 1.** RCW 80.50.020 and 1977 ex.s. c 371 s 2 are each amended to  
6 read as follows:

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

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

12            (3) "Person" means an individual, partnership, joint venture,  
13 private or public corporation, association, firm, public service  
14 company, political subdivision, municipal corporation, government  
15 agency, public utility district, or any other entity, public or  
16 private, however organized;

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

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

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

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

22 (a) Crude or refined petroleum or liquid petroleum product  
23 transmission pipeline of the following dimensions: A pipeline larger  
24 than six inches minimum inside diameter between valves for the  
25 transmission of these products with a total length of at least fifteen  
26 miles;

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

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

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

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

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

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

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

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

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

20 (14) "Energy plant" means the following facilities together with  
21 their associated facilities:

22 (a) Any stationary thermal power plant with generating capacity of  
23 two hundred fifty thousand kilowatts or more, measured using maximum  
24 continuous electric generating capacity, less minimum auxiliary load,  
25 at average ambient temperature and pressure, and floating thermal power  
26 plants of fifty thousand kilowatts or more, including associated  
27 facilities;

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

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

38 (d) Any underground reservoir for receipt and storage of natural  
39 gas as defined in RCW 80.40.010 capable of delivering an average of

1 more than one hundred million standard cubic feet of natural gas per  
2 day; and

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

5 (15) "Land use plan" means a comprehensive plan or land use element  
6 thereof adopted by a unit of local government pursuant to chapters  
7 35.63, 35A.63, or 36.70 RCW;

8 (16) "Zoning ordinance" means an ordinance of a unit of local  
9 government regulating the use of land and adopted pursuant to chapters  
10 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

11 **Sec. 2.** RCW 80.52.030 and 1981 2nd ex.s. c 6 s 3 are each amended  
12 to read as follows:

13 The definitions set forth in this section apply throughout this  
14 chapter unless the context clearly requires otherwise.

15 (1) "Public agency" means a public utility district, joint  
16 operating agency, city, county, or any other state governmental agency,  
17 entity, or political subdivision.

18 (2) "Major public energy project" means a plant or installation  
19 capable, or intended to be capable, of generating electricity in an  
20 amount greater than two hundred fifty megawatts, measured using maximum  
21 continuous electric generating capacity, less minimum auxiliary load,  
22 at average ambient temperature and pressure. Where two or more such  
23 plants are located within the same geographic site, each plant shall be  
24 considered a major public energy project. An addition to an existing  
25 facility is not deemed to be a major energy project unless the addition  
26 itself is capable, or intended to be capable, of generating electricity  
27 in an amount greater than two hundred fifty megawatts. A project which  
28 is under construction on July 1, 1982, shall not be considered a major  
29 public energy project unless the official agency budget or estimate for  
30 total construction costs for the project as of July 1, 1982, is more  
31 than two hundred percent of the first official estimate of total  
32 construction costs as specified in the senate energy and utilities  
33 committee WPPSS inquiry report, volume one, January 12, 1981, and  
34 unless, as of July 1, 1982, the projected remaining cost of  
35 construction for that project exceeds two hundred million dollars.

36 (3) "Cost of construction" means the total cost of planning and  
37 building a major public energy project and placing it into operation,  
38 including, but not limited to, planning cost, direct construction cost,

1 licensing cost, cost of fuel inventory for the first year's operation,  
2 interest, and all other costs incurred prior to the first day of full  
3 operation, whether or not incurred prior to July 1, 1982.

4 (4) "Cost of acquisition" means the total cost of acquiring a major  
5 public energy project from another party, including, but not limited  
6 to, principal and interest costs.

7 (5) "Bond" means a revenue bond, a general obligation bond, or any  
8 other indebtedness issued by a public agency or its assignee.

9 (6) "Applicant" means a public agency, or the assignee of a public  
10 agency, requesting the secretary of state to conduct an election  
11 pursuant to this chapter.

12 (7) "Cost-effective" means that a project or resource is forecast:

13 (a) To be reliable and available within the time it is needed; and

14 (b) To meet or reduce the electric power demand of the intended  
15 consumers at an estimated incremental system cost no greater than that  
16 of the least-cost similarly reliable and available alternative project  
17 or resource, or any combination thereof.

18 (8) "System cost" means an estimate of all direct costs of a  
19 project or resource over its effective life, including, if applicable,  
20 the costs of distribution to the consumer, and, among other factors,  
21 waste disposal costs, end-of-cycle costs, and fuel costs (including  
22 projected increases), and such quantifiable environmental costs and  
23 benefits as are directly attributable to the project or resource.

Passed the House March 9, 1995.

Passed the Senate April 4, 1995.

Approved by the Governor April 17, 1995.

Filed in Office of Secretary of State April 17, 1995.

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