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**SUBSTITUTE HOUSE BILL 2340**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** House Committee on Technology, Telecommunications & Energy  
(originally sponsored by Representatives Morris, Sullivan and Mielke)

READ FIRST TIME 01/27/04.

1 AN ACT Relating to siting electrical transmission under the energy  
2 facility site evaluation council; and amending RCW 80.50.020 and  
3 80.50.060.

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

5 **Sec. 1.** RCW 80.50.020 and 2001 c 214 s 3 are each amended to read  
6 as follows:

7 The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9 (1) "Applicant" means any person who makes application for a site  
10 certification pursuant to the provisions of this chapter.

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

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

1 (4) "Site" means any proposed or approved location of an energy  
2 facility.

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

9 (6) "Associated facilities" means storage, transmission, handling,  
10 or other related and supporting facilities connecting an energy plant  
11 with the existing energy supply, processing, or distribution system,  
12 including, but not limited to, communications, controls, mobilizing or  
13 maintenance equipment, instrumentation, and other types of ancillary  
14 transmission equipment, off-line storage or venting required for  
15 efficient operation or safety of the transmission system and overhead,  
16 and surface or subsurface lines of physical access for the inspection,  
17 maintenance, and safe operations of the transmission facility and new  
18 transmission lines constructed to operate at nominal voltages in excess  
19 of ((200,000)) 115,000 volts to connect a thermal power plant to the  
20 northwest power grid: PROVIDED, That common carrier railroads or motor  
21 vehicles shall not be included.

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

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

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

36 (c) Electrical transmission or distribution lines and related  
37 equipment designed for or capable of operating at a nominal voltage in  
38 excess of one hundred fifteen thousand volts.

1 (8) "Independent consultants" means those persons who have no  
2 financial interest in the applicant's proposals and who are retained by  
3 the council to evaluate the applicant's proposals, supporting studies,  
4 or to conduct additional studies.

5 (9) "Thermal power plant" means, for the purpose of certification,  
6 any electrical generating facility using any fuel, including nuclear  
7 materials, for distribution of electricity by electric utilities.

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

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

14 (b) Facilities operated by and for the armed services for military  
15 purposes or by other federal authority for the national defense.

16 (11) "Council" means the energy facility site evaluation council  
17 created by RCW 80.50.030.

18 (12) "Counsel for the environment" means an assistant attorney  
19 general or a special assistant attorney general who shall represent the  
20 public in accordance with RCW 80.50.080.

21 (13) "Construction" means on-site improvements, excluding  
22 exploratory work, which cost in excess of two hundred fifty thousand  
23 dollars.

24 (14) "Energy plant" means the following facilities together with  
25 their associated facilities:

26 (a) Any stationary thermal power plant with generating capacity of  
27 three hundred fifty thousand kilowatts or more, measured using maximum  
28 continuous electric generating capacity, less minimum auxiliary load,  
29 at average ambient temperature and pressure, and floating thermal power  
30 plants of one hundred thousand kilowatts or more, including associated  
31 facilities. For the purposes of this subsection, "floating thermal  
32 power plants" means a thermal power plant that is suspended on the  
33 surface of water by means of a barge, vessel, or other floating  
34 platform;

35 (b) Facilities that generate electricity using alternative energy  
36 resources as the source of power;

37 (c) Facilities which will have the capacity to receive liquified

1 natural gas in the equivalent of more than one hundred million standard  
2 cubic feet of natural gas per day, which has been transported over  
3 marine waters;

4 ~~((e))~~ (d) Facilities which will have the capacity to receive more  
5 than an average of fifty thousand barrels per day of crude or refined  
6 petroleum or liquified petroleum gas which has been or will be  
7 transported over marine waters, except that the provisions of this  
8 chapter shall not apply to storage facilities unless occasioned by such  
9 new facility construction;

10 ~~((d))~~ (e) Any underground reservoir for receipt and storage of  
11 natural gas as defined in RCW 80.40.010 capable of delivering an  
12 average of more than one hundred million standard cubic feet of natural  
13 gas per day; and

14 ~~((e))~~ (f) Facilities capable of processing more than twenty-five  
15 thousand barrels per day of petroleum into refined products.

16 (15) "Land use plan" means a comprehensive plan or land use element  
17 thereof adopted by a unit of local government pursuant to chapters  
18 35.63, 35A.63, or 36.70 RCW.

19 (16) "Zoning ordinance" means an ordinance of a unit of local  
20 government regulating the use of land and adopted pursuant to chapters  
21 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

22 (17) "Alternative energy resource" means: (a) Wind; (b) solar  
23 energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal  
24 action; or (f) biomass energy based on solid organic fuels from wood,  
25 forest, or field residues, or dedicated energy crops that do not  
26 include wood pieces that have been treated with chemical preservatives  
27 such as creosote, pentachlorophenol, or copper-chrome-arsenic.

28 **Sec. 2.** RCW 80.50.060 and 2001 c 214 s 2 are each amended to read  
29 as follows:

30 (1) Except as provided in subsections (2) and (3) of this section,  
31 the provisions of this chapter shall apply to the construction of  
32 energy facilities which includes the new construction of energy  
33 facilities and the reconstruction or enlargement of existing energy  
34 facilities where the net increase in physical capacity or dimensions  
35 resulting from such reconstruction or enlargement meets or exceeds  
36 those capacities or dimensions set forth in RCW 80.50.020 (7) and (14).

1 No construction of such energy facilities may be undertaken, except as  
2 otherwise provided in this chapter, after July 15, 1977, without first  
3 obtaining certification in the manner provided in this chapter.

4 (2) The provisions of this chapter apply to the construction,  
5 reconstruction, or enlargement of a new or existing energy facility  
6 that exclusively uses alternative energy resources and chooses to  
7 receive certification under this chapter, regardless of the generating  
8 capacity of the project.

9 (3) The provisions of this chapter apply to the construction of new  
10 electrical transmission facilities and the reconstruction or expansion  
11 of existing electrical transmission facilities where the person  
12 developing the new or expanded electrical transmission facilities  
13 chooses to receive certification under this chapter.

14 (4) The provisions of this chapter shall not apply to normal  
15 maintenance and repairs which do not increase the capacity or  
16 dimensions beyond those set forth in RCW 80.50.020 (7) and (14).

17 ((+4)) (5) Applications for certification of energy facilities  
18 made prior to July 15, 1977 shall continue to be governed by the  
19 applicable provisions of law in effect on the day immediately preceding  
20 July 15, 1977 with the exceptions of RCW 80.50.190 and 80.50.071 which  
21 shall apply to such prior applications and to site certifications  
22 prospectively from July 15, 1977.

23 ((+5)) (6) Applications for certification shall be upon forms  
24 prescribed by the council and shall be supported by such information  
25 and technical studies as the council may require.

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