
HOUSE BILL 2340

State of Washington 58th Legislature 2004 Regular Session

By Representatives Morris, Sullivan and Mielke

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Committee on Technology, Telecommunications & Energy.

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
19 excess of 200,000 volts))~~) to connect (~~((a thermal power plant to the
20 northwest power grid))~~) an energy plant to existing electrical
21 transmission or distribution systems that operate at nominal voltages
22 in excess of one hundred fifteen thousand volts or intermediate
23 facilities or substations en route to transmission or distribution
24 systems: PROVIDED, That common carrier railroads or motor vehicles
25 shall not be included.

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

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

33 (b) Natural gas, synthetic fuel gas, or liquified petroleum gas
34 transmission pipeline of the following dimensions: A pipeline larger
35 than fourteen inches minimum inside diameter between valves, for the
36 transmission of these products, with a total length of at least fifteen
37 miles for the purpose of delivering gas to a distribution facility,

1 except an interstate natural gas pipeline regulated by the United
2 States federal power commission;

3 (c) Transmission or distribution facilities designed for or capable
4 of operating at a nominal voltage in excess of one hundred fifteen
5 thousand volts.

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

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

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

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

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

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

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

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

29 (14) "Energy plant" means the following facilities together with
30 their associated facilities:

31 (a) Any stationary thermal power plant with generating capacity of
32 three hundred fifty thousand kilowatts or more, measured using maximum
33 continuous electric generating capacity, less minimum auxiliary load,
34 at average ambient temperature and pressure, and floating thermal power
35 plants of one hundred thousand kilowatts or more, including associated
36 facilities. For the purposes of this subsection, "floating thermal
37 power plants" means a thermal power plant that is suspended on the

1 surface of water by means of a barge, vessel, or other floating
2 platform;

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

5 (c) Facilities which will have the capacity to receive liquified
6 natural gas in the equivalent of more than one hundred million standard
7 cubic feet of natural gas per day, which has been transported over
8 marine waters;

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

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

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

21 (15) "Land use plan" means a comprehensive plan or land use element
22 thereof adopted by a unit of local government pursuant to chapters
23 35.63, 35A.63, or 36.70 RCW.

24 (16) "Zoning ordinance" means an ordinance of a unit of local
25 government regulating the use of land and adopted pursuant to chapters
26 35.63, 35A.63, or 36.70 RCW or Article XI of the state Constitution.

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

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

35 (1) The provisions of this chapter shall apply to the construction
36 of energy facilities which includes the new construction of energy
37 facilities and the reconstruction or enlargement of existing energy

1 facilities where the net increase in physical capacity or dimensions
2 resulting from such reconstruction or enlargement meets or exceeds
3 those capacities or dimensions set forth in RCW 80.50.020 (7) and (14).
4 No construction of such energy facilities may be undertaken, except as
5 otherwise provided in this chapter, after July 15, 1977, without first
6 obtaining certification in the manner provided in this chapter.

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

12 (3) The provisions of this chapter apply to the construction,
13 reconstruction, or expansion of new or existing electrical transmission
14 lines where the person developing the new transmission lines chooses to
15 receive certification under this chapter.

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

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

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

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