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HOUSE BILL 1811

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State of Washington

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By Representatives Hinkle, Haler, Short, Kretz, Chandler, Ericksen, Kristiansen, Chase, and McCune

Read first time 01/29/09. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to including small hydroelectric generation as  
2 eligible renewable resources; and amending RCW 19.285.030.

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

4 **Sec. 1.** RCW 19.285.030 and 2007 c 1 s 3 are each amended to read  
5 as follows:

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

8 (1) "Attorney general" means the Washington state office of the  
9 attorney general.

10 (2) "Auditor" means: (a) The Washington state auditor's office or  
11 its designee for qualifying utilities under its jurisdiction that are  
12 not investor-owned utilities; or (b) an independent auditor selected by  
13 a qualifying utility that is not under the jurisdiction of the state  
14 auditor and is not an investor-owned utility.

15 (3) "Commission" means the Washington state utilities and  
16 transportation commission.

17 (4) "Conservation" means any reduction in electric power  
18 consumption resulting from increases in the efficiency of energy use,  
19 production, or distribution.

1 (5) "Cost-effective" has the same meaning as defined in RCW  
2 80.52.030.

3 (6) "Council" means the Washington state apprenticeship and  
4 training council within the department of labor and industries.

5 (7) "Customer" means a person or entity that purchases electricity  
6 for ultimate consumption and not for resale.

7 (8) "Department" means the department of community, trade, and  
8 economic development or its successor.

9 (9) "Distributed generation" means an eligible renewable resource  
10 where the generation facility or any integrated cluster of such  
11 facilities has a generating capacity of not more than five megawatts.

12 (10) "Eligible renewable resource" means:

13 (a) Electricity from a generation facility powered by a renewable  
14 resource other than fresh water, except as provided in (c) of this  
15 subsection, that commences operation after March 31, 1999, where: (i)  
16 The facility is located in the Pacific Northwest; or (ii) the  
17 electricity from the facility is delivered into Washington state on a  
18 real-time basis without shaping, storage, or integration services;  
19 ((or))

20 (b) Incremental electricity produced as a result of efficiency  
21 improvements completed after March 31, 1999, to hydroelectric  
22 generation projects owned by a qualifying utility and located in the  
23 Pacific Northwest or to hydroelectric generation in irrigation pipes  
24 and canals located in the Pacific Northwest, where the additional  
25 generation in either case does not result in new water diversions or  
26 impoundments; or

27 (c) Electricity from hydroelectric generation facilities located in  
28 the Pacific Northwest that have a rated capacity of fifty megawatts or  
29 less.

30 (11) "Investor-owned utility" has the same meaning as defined in  
31 RCW 19.29A.010.

32 (12) "Load" means the amount of kilowatt-hours of electricity  
33 delivered in the most recently completed year by a qualifying utility  
34 to its Washington retail customers.

35 (13) "Nonpower attributes" means all environmentally related  
36 characteristics, exclusive of energy, capacity reliability, and other  
37 electrical power service attributes, that are associated with the  
38 generation of electricity from a renewable resource, including but not

1 limited to the facility's fuel type, geographic location, vintage,  
2 qualification as an eligible renewable resource, and avoided emissions  
3 of pollutants to the air, soil, or water, and avoided emissions of  
4 carbon dioxide and other greenhouse gases.

5 (14) "Pacific Northwest" has the same meaning as defined for the  
6 Bonneville power administration in section 3 of the Pacific Northwest  
7 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.  
8 Sec. 839a).

9 (15) "Public facility" has the same meaning as defined in RCW  
10 39.35C.010.

11 (16) "Qualifying utility" means an electric utility, as the term  
12 "electric utility" is defined in RCW 19.29A.010, that serves more than  
13 twenty-five thousand customers in the state of Washington. The number  
14 of customers served may be based on data reported by a utility in form  
15 861, "annual electric utility report," filed with the energy  
16 information administration, United States department of energy.

17 (17) "Renewable energy credit" means a tradable certificate of  
18 proof of at least one megawatt-hour of an eligible renewable resource  
19 where the generation facility is not powered by fresh water, the  
20 certificate includes all of the nonpower attributes associated with  
21 that one megawatt-hour of electricity, and the certificate is verified  
22 by a renewable energy credit tracking system selected by the  
23 department.

24 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
25 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
26 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
27 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
28 on land cleared from old growth or first-growth forests where the  
29 clearing occurred after December 7, 2006; and (i) biomass energy based  
30 on animal waste or solid organic fuels from wood, forest, or field  
31 residues, or dedicated energy crops that do not include (i) wood pieces  
32 that have been treated with chemical preservatives such as creosote,  
33 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor  
34 byproduct from paper production; (iii) wood from old growth forests; or  
35 (iv) municipal solid waste.

36 (19) "Rule" means rules adopted by an agency or other entity of  
37 Washington state government to carry out the intent and purposes of  
38 this chapter.

1           (20) "Year" means the twelve-month period commencing January 1st  
2   and ending December 31st.

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