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HOUSE BILL 2432

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State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Halper, Herrera, Armstrong, Crouse, Klippert, Angel, Taylor, Johnson, Ericksen, Hope, Alexander, Schmick, McCune, Short, Kristiansen, Ericks, Kirby, Warnick, and Kretz

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1            AN ACT Relating to recognizing hydroelectric generation as a  
2 renewable energy resource; amending RCW 19.285.030; and creating a new  
3 section.

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that the state of  
6 Washington is a leader in promoting the development of renewable energy  
7 resources and new technology that improves the health of our  
8 environment.    The state of Washington already has an abundance of  
9 renewable energy including low-cost renewable hydroelectric generation.  
10 Recognizing this energy generation source as renewable will stabilize  
11 energy prices for Washington residents and protect clean air and water.

12            **Sec. 2.**    RCW 19.285.030 and 2009 c 565 s 20 are each amended to  
13 read as follows:

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

16            (1) "Attorney general" means the Washington state office of the  
17 attorney general.

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

6 (3) "Commission" means the Washington state utilities and  
7 transportation commission.

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

11 (5) "Cost-effective" has the same meaning as defined in RCW  
12 80.52.030.

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

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

17 (8) "Department" means the department of commerce or its successor.

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

21 (10) "Eligible renewable resource" means:

22 (a) Electricity from a generation facility powered by a renewable  
23 resource (~~((other than fresh water))~~) that commences operation after  
24 March 31, 1999, where: (i) The facility is located in the Pacific  
25 Northwest; or (ii) the electricity from the facility is delivered into  
26 Washington state on a real-time basis without shaping, storage, or  
27 integration services; or

28 (b) (~~((Incremental electricity produced as a result of efficiency  
29 improvements completed after March 31, 1999, to hydroelectric  
30 generation projects owned by a qualifying utility and located in the  
31 Pacific Northwest or to hydroelectric generation in irrigation pipes  
32 and canals located in the Pacific Northwest, where the additional  
33 generation in either case does not result in new water diversions or  
34 impoundments))~~) Electricity from an existing generation facility powered  
35 by a fresh water renewable resource that commenced operation before  
36 March 31, 1999.

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

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

4 (13) "Nonpower attributes" means all environmentally related  
5 characteristics, exclusive of energy, capacity reliability, and other  
6 electrical power service attributes, that are associated with the  
7 generation of electricity from a renewable resource, including but not  
8 limited to the facility's fuel type, geographic location, vintage,  
9 qualification as an eligible renewable resource, and avoided emissions  
10 of pollutants to the air, soil, or water, and avoided emissions of  
11 carbon dioxide and other greenhouse gases.

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

16 (15) "Public facility" has the same meaning as defined in RCW  
17 39.35C.010.

18 (16) "Qualifying utility" means an electric utility, as the term  
19 "electric utility" is defined in RCW 19.29A.010, that serves more than  
20 twenty-five thousand customers in the state of Washington. The number  
21 of customers served may be based on data reported by a utility in form  
22 861, "annual electric utility report," filed with the energy  
23 information administration, United States department of energy.

24 (17) "Renewable energy credit" means a tradable certificate of  
25 proof of at least one megawatt-hour of an eligible renewable resource  
26 (~~(where the generation facility is not powered by fresh water)~~), the  
27 certificate includes all of the nonpower attributes associated with  
28 that one megawatt-hour of electricity, and the certificate is verified  
29 by a renewable energy credit tracking system selected by the  
30 department.

31 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
32 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
33 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
34 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
35 on land cleared from old growth or first-growth forests where the  
36 clearing occurred after December 7, 2006; and (i) biomass energy based  
37 on animal waste or solid organic fuels from wood, forest, or field  
38 residues, or dedicated energy crops that do not include (i) wood pieces

1 that have been treated with chemical preservatives such as creosote,  
2 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by-  
3 product from paper production; (iii) wood from old growth forests; or  
4 (iv) municipal solid waste.

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

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

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