
SENATE BILL 6437

State of Washington

61st Legislature

2010 Regular Session

By Senator Honeyford

Read first time 01/14/10. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to renewable energy; and amending RCW 19.285.030.

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

3 **Sec. 1.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
4 read as follows:

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

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

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

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

16 (4) "Conservation" means any reduction in electric power
17 consumption resulting from increases in the efficiency of energy use,
18 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 commerce or its successor.

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

11 (10) "Eligible renewable resource" means:

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

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

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

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

30 (b) "Load" does not include electricity used by a qualifying
31 utility to serve Washington retail customers and produced from (i)
32 nonqualified hydropower; (ii) a biomass energy generation facility that
33 is not an eligible renewable resource; or (iii) a municipal solid waste
34 generation facility.

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)~~) or (i) biomass energy
30 (~~(based on animal waste or solid organic fuels from wood, forest, or~~
31 ~~field residues, or dedicated energy crops that do not include (i) wood~~
32 ~~pieces that have been treated with chemical preservatives such as~~
33 ~~creosote, pentachlorophenol, or copper chrome arsenic; (ii) black~~
34 ~~liquor by product from paper production; (iii) wood from old growth~~
35 ~~forests; or (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.

3 (21)(a) "Biomass energy" includes: (i) Byproducts of pulping and
4 wood manufacturing process; (ii) animal waste; (iii) solid organic
5 fuels from wood; (iv) forest or field residues; (v) wooden demolition
6 or construction debris; (vi) food waste; (vii) liquors derived from
7 algae and other sources; (viii) dedicated energy crops; (ix) biosolids;
8 and (x) yard waste.

9 (b) "Biomass energy" does not include: (i) Wood pieces that have
10 been treated with chemical preservatives such as creosote,
11 pentachlorophenol, or copper-chrome-arsenic; or (ii) wood from old
12 growth forests.

13 (22) "Qualified hydropower" means efficiency improvements completed
14 after March 31, 1999, to hydroelectric generation facilities located in
15 the Pacific Northwest or to hydroelectric generation in irrigation
16 pipes and canals located in the Pacific Northwest, where the additional
17 generation in either case does not result in new water diversions or
18 impoundments.

--- END ---