

---

HOUSE BILL 1375

---

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Chandler, Taylor, Warnick, Hargrove, and Harris

Read first time 01/20/11. Referred to Committee on Technology, Energy & Communications.

1 AN ACT Relating to siting of wind energy projects; amending RCW  
2 80.50.071; adding a new section to chapter 36.01 RCW; adding a new  
3 section to chapter 35.63 RCW; and adding a new section to chapter  
4 35A.63 RCW.

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

6 **Sec. 1.** RCW 80.50.071 and 2010 c 152 s 3 are each amended to read  
7 as follows:

8 (1) The council shall receive all applications for energy facility  
9 site certification. Each applicant shall pay such reasonable costs as  
10 are actually and necessarily incurred by the council in processing an  
11 application.

12 (a) Each applicant shall, at the time of application submission,  
13 deposit fifty thousand dollars, or such greater amount as may be  
14 specified by the council after consultation with the applicant. Costs  
15 that may be charged against the deposit include, but are not limited  
16 to, independent consultants' costs, councilmember's wages, employee  
17 benefits, costs of a hearing examiner, costs of a court reporter, staff  
18 salaries, wages and employee benefits, goods and services, travel

1 expenses, and miscellaneous direct expenses as arise directly from  
2 processing an application.

3 (b) The council may commission its own independent consultant study  
4 to measure the consequences of the proposed energy facility on the  
5 environment or any matter that it deems essential to an adequate  
6 appraisal of the site. The council shall provide an estimate of the  
7 cost of the study to the applicant and consider applicant comments.

8 (c) The council shall submit to each applicant a statement of such  
9 expenditures made during the preceding calendar quarter which shall be  
10 in sufficient detail to explain such expenditures. The applicant shall  
11 pay the state treasurer the amount of such statement to restore the  
12 total amount on deposit to the originally established level: PROVIDED,  
13 That such applicant may, at the request of the council, increase the  
14 amount of funds on deposit to cover anticipated expenses during peak  
15 periods of application processing. Any funds remaining unexpended at  
16 the conclusion of application processing shall be refunded to the  
17 applicant, or at the applicant's option, credited against required  
18 deposits of certificate holders.

19 (2) Each certificate holder shall pay such reasonable costs as are  
20 actually and necessarily incurred by the council for inspection and  
21 determination of compliance by the certificate holder with the terms of  
22 the certification relative to monitoring the effects of construction,  
23 operation, and site restoration of the facility.

24 (a) Each certificate holder, within thirty days of execution of the  
25 site certification agreement, shall have on deposit fifty thousand  
26 dollars, or such greater amount as may be specified by the council  
27 after consultation with the certificate holder. Costs that may be  
28 charged against the deposit include, but are not limited to, those  
29 specified in subsection (1)(a) of this section as arise from inspection  
30 and determination of compliance by the certificate holder with the  
31 terms of the certification.

32 (b) The council shall submit to each certificate holder a statement  
33 of such expenditures actually made during the preceding calendar  
34 quarter which shall be in sufficient detail to explain such  
35 expenditures. The certificate holder shall pay the state treasurer the  
36 amount of such statement to restore the total amount on deposit to the  
37 originally established level: PROVIDED, That if the actual

1 expenditures for inspection and determination of compliance in the  
2 preceding calendar quarter have exceeded the amount of funds on  
3 deposit, such excess costs shall be paid by the certificate holder.

4 (3) If an applicant or certificate holder fails to provide the  
5 initial deposit, or if subsequently required payments are not received  
6 within thirty days following receipt of the statement from the council,  
7 the council may (a) in the case of the applicant, suspend processing of  
8 the application until payment is received; or (b) in the case of a  
9 certificate holder, suspend the certification.

10 (4) All payments required of the applicant or certificate holder  
11 under this section are to be made to the state treasurer who shall make  
12 payments as instructed by the council from the funds submitted. All  
13 such funds shall be subject to state auditing procedures. Any  
14 unexpended portions thereof shall be returned to the applicant or  
15 certificate holder.

16 (5)(a) Upon receipt of an application for an energy facility site  
17 certification proposing a wind energy project, the council shall notify  
18 in writing the United States department of defense. The notification  
19 shall include, but not be limited to, the following:

20 (i) A description of the proposed wind energy project;

21 (ii) The location of the site;

22 (iii) The number and placement of wind turbines on the site; and

23 (iv) Contact information of the council and the applicant.

24 (b) The purpose of the written notification is to provide an  
25 opportunity for the United States department of defense to comment upon  
26 the application, identifying potential issues relating to the placement  
27 of wind turbines and the performance of department of defense radar  
28 systems, before a site certification application is approved.

29 (c) The council shall provide a copy of the written notification to  
30 the member of the United States house of representatives who represents  
31 the area in which the proposed wind energy project may be located.

32 NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW  
33 to read as follows:

34 (1) Upon receipt of an application for a permit to site a wind  
35 energy project, the county shall notify in writing the United States  
36 department of defense. The notification shall include, but not be  
37 limited to, the following:

1 (a) A description of the proposed wind energy project;  
2 (b) The location of the site;  
3 (c) The number and placement of wind turbines on the site; and  
4 (d) Contact information of the county permitting authority and the  
5 applicant.

6 (2) The purpose of the written notification is to provide an  
7 opportunity for the United States department of defense to comment upon  
8 the application, identifying potential issues relating to the placement  
9 of wind turbines and the performance of department of defense radar  
10 systems, before a permit application is approved.

11 (3) The county shall provide a copy of the written notification to  
12 the member of the United States house of representatives who represents  
13 the area in which the proposed wind energy project may be located.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.63 RCW  
15 to read as follows:

16 (1) Upon receipt of an application for a permit to site a wind  
17 energy project, the city or town shall notify in writing the United  
18 States department of defense. The notification shall include, but not  
19 be limited to, the following:

20 (a) A description of the proposed wind energy project;  
21 (b) The location of the site;  
22 (c) The number and placement of wind turbines on the site; and  
23 (d) Contact information of the county permitting authority and the  
24 applicant.

25 (2) The purpose of the written notification is to provide an  
26 opportunity for the United States department of defense to comment upon  
27 the application, identifying potential issues relating to the placement  
28 of wind turbines and the performance of department of defense radar  
29 systems, before a permit application is approved.

30 (3) The city or town shall provide a copy of the written  
31 notification to the member of the United States house of  
32 representatives who represents the area in which the proposed wind  
33 energy project may be located.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 35A.63 RCW  
35 to read as follows:

36 (1) Upon receipt of an application for a permit to site a wind

1 energy project, the city shall notify in writing the United States  
2 department of defense. The notification shall include, but not be  
3 limited to, the following:

- 4 (a) A description of the proposed wind energy project;
- 5 (b) The location of the site;
- 6 (c) The number and placement of wind turbines on the site; and
- 7 (d) Contact information of the county permitting authority and the  
8 applicant.

9 (2) The purpose of the written notification is to provide an  
10 opportunity for the United States department of defense to comment upon  
11 the application, identifying potential issues relating to the placement  
12 of wind turbines and the performance of department of defense radar  
13 systems, before a permit application is approved.

14 (3) The city shall provide a copy of the written notification to  
15 the member of the United States house of representatives who represents  
16 the area in which the proposed wind energy project may be located.

--- END ---