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**SENATE BILL 6352**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senator Warnick

AN ACT Relating to eliminating expedited processing of alternative energy resource facilities before the energy facility site evaluation council; amending RCW 80.50.075; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that the energy facility site evaluation council's certification process undermines opportunities for local review of alternative energy resource facilities. The current process creates an unfair advantage for those facilities, which have the special privilege of being able to opt out of the local review process if the local review process reveals local concerns. The legislature intends to create parity among different types of facilities by prohibiting alternative energy resource facilities from being eligible for expedited review before the council. This will allow for a comprehensive review of local concerns if an alternative energy resource facility chooses to receive certification from the council.

**Sec.**  RCW 80.50.075 and 2006 c 205 s 2 are each amended to read as follows:

(1) Any person filing an application for certification of an energy facility ((~~or an alternative energy resource facility~~)) pursuant to this chapter may apply to the council for an expedited processing of such an application. The application for expedited processing shall be submitted to the council in such form and manner and accompanied by such information as may be prescribed by council rule. The council may grant an applicant expedited processing of an application for certification upon finding that the environmental impact of the proposed energy facility is not significant or will be mitigated to a nonsignificant level under RCW 43.21C.031 and the project is found under RCW 80.50.090(2) to be consistent and in compliance with city, county, or regional land use plans or zoning ordinances.

(2) Upon granting an applicant expedited processing of an application for certification, the council shall not be required to:

(a) Commission an independent study to further measure the consequences of the proposed energy facility ((~~or alternative energy resource facility~~)) on the environment, notwithstanding the other provisions of RCW 80.50.071; nor

(b) Hold an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, on the application.

(3) The council shall adopt rules governing the expedited processing of an application for certification pursuant to this section.

(4) An alternative energy resource facility that chooses to receive certification pursuant to RCW 80.50.060(2) is not eligible for expedited processing under this section.

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