

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2819**

66th Legislature  
2020 Regular Session

Passed by the House February 18, 2020  
Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Passed by the Senate March 6, 2020  
Yeas 43 Nays 5

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2819** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 2819**

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Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Representatives Mosbrucker, Blake, Chandler, Hoff, Fitzgibbon, Dent, Shewmake, and Boehnke

Read first time 01/23/20. Referred to Committee on Environment & Energy.

1 AN ACT Relating to designating pumped storage projects located in  
2 a county bordering the Columbia river utilizing statutorily  
3 authorized water rights to be projects of statewide significance;  
4 amending RCW 43.157.010 and 43.157.020; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington  
7 is a national leader in the transition to one hundred percent clean  
8 electricity, resulting in substantial reductions in the emissions of  
9 greenhouse gases. In 2012, the legislature authorized certain water  
10 rights to be used to enable a pumped storage project, codified as RCW  
11 54.16.410. As more variable renewable energy facilities come online  
12 to facilitate the transition to our clean energy future, additional  
13 renewable energy storage facilities may be used in place of  
14 greenhouse gas emitting generation to integrate variable renewable  
15 energy. Expediting beneficial use of those authorized water rights  
16 for a pumped storage project will enable investment of more than one  
17 billion dollars in, and provide economic development to, a rural  
18 county, and facilitate construction and operation of additional  
19 renewable energy throughout the state and the west.

20 (2) The legislature further finds that certain studies indicate a  
21 resource adequacy shortfall on the region's electric grid by 2025 and

1 it is in the interest of the state to expedite pump storage projects  
2 that will address this shortfall.

3 **Sec. 2.** RCW 43.157.010 and 2017 c 288 s 2 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter and  
6 RCW 28A.525.166, 43.21A.350, and 90.58.100, unless the context  
7 requires otherwise:

8 (1) "Applicant" means a person applying to the department for  
9 designation of a development project as a project of statewide  
10 significance.

11 (2) "Aviation biofuels production facility" means a facility  
12 primarily for the processing of nonfossil biogenic feedstocks to  
13 produce aviation fuels that meet the fuel quality technical standards  
14 of the American society for testing materials for aviation fuels and  
15 coproducts.

16 (3) "Department" means the department of commerce.

17 (4) "Manufacturing" shall have the meaning assigned it in RCW  
18 82.62.010.

19 (5) (a) "Project of statewide significance" means:

20 (i) A border crossing project that involves both private and  
21 public investments carried out in conjunction with adjacent states or  
22 provinces;

23 (ii) A development project that will provide a net environmental  
24 benefit;

25 (iii) A development project in furtherance of the  
26 commercialization of innovations;

27 (iv) A private industrial development with private capital  
28 investment in manufacturing or research and development;

29 (v) An aviation biofuels production facility; (~~(e)~~)

30 (vi) A pumped storage project using water rights approved by the  
31 legislature for that purpose; or

32 (vii) A project designated by the legislature and codified under  
33 this chapter.

34 (b) To qualify for designation under RCW 43.157.030 as a project  
35 of statewide significance:

36 (i) The project must be completed after January 1, 2009;

37 (ii) The applicant must submit an application to the department  
38 for designation as a project of statewide significance to the  
39 department of commerce; and

1 (iii) Except for an aviation biofuels production facility, the  
2 project must have:

3 (A) In counties with a population less than or equal to twenty  
4 thousand, a capital investment of five million dollars;

5 (B) In counties with a population greater than twenty thousand  
6 but no more than fifty thousand, a capital investment of ten million  
7 dollars;

8 (C) In counties with a population greater than fifty thousand but  
9 no more than one hundred thousand, a capital investment of fifteen  
10 million dollars;

11 (D) In counties with a population greater than one hundred  
12 thousand but no more than two hundred thousand, a capital investment  
13 of twenty million dollars;

14 (E) In counties with a population greater than two hundred  
15 thousand but no more than four hundred thousand, a capital investment  
16 of thirty million dollars;

17 (F) In counties with a population greater than four hundred  
18 thousand but no more than one million, a capital investment of forty  
19 million dollars;

20 (G) In counties with a population greater than one million, a  
21 capital investment of fifty million dollars;

22 (H) In rural counties as defined by RCW 82.14.370, projected  
23 full-time employment positions after completion of construction of  
24 fifty or greater;

25 (I) In counties other than rural counties as defined by RCW  
26 82.14.370, projected full-time employment positions after completion  
27 of construction of one hundred or greater; or

28 (J) Been qualified by the director of the department as a project  
29 of statewide significance either because:

30 (I) The economic circumstances of the county merit the additional  
31 assistance such designation will bring;

32 (II) The impact on a region due to the size and complexity of the  
33 project merits such designation;

34 (III) The project resulted from or is in furtherance of  
35 innovation activities at a public research institution in the state  
36 or is in or resulted from innovation activities within an innovation  
37 partnership zone; or

38 (IV) The project will provide a net environmental benefit as  
39 evidenced by plans for design and construction under green building  
40 standards or for the creation of renewable energy technology or

1 components or under other environmental criteria established by the  
2 director in consultation with the director of the department of  
3 ecology.

4 A project may be qualified under this subsection (5)(b)(iii)(J)  
5 only after consultation on the availability of staff resources of the  
6 office of regulatory assistance.

7 (6) "Research and development" shall have the meaning assigned it  
8 in RCW 82.62.010.

9 **Sec. 3.** RCW 43.157.020 and 2009 c 421 s 3 are each amended to  
10 read as follows:

11 Counties and cities with development projects designated as  
12 projects of statewide significance within their jurisdictions shall  
13 enter into an agreement with the office of regulatory assistance and  
14 the project managers of projects of statewide significance for  
15 expediting the completion of projects of statewide significance. The  
16 agreement shall require:

17 (1) Expedited permit processing for the design and construction  
18 of the project;

19 (2) Expedited environmental review processing;

20 (3) Expedited processing of requests for street, right-of-way, or  
21 easement vacations necessary for the construction of the project;

22 (4) Participation of local officials on the team assembled under  
23 the requirements of RCW 43.157.030(~~((2))~~) (3)(b); (~~and~~)

24 (5) A plan for consultation with affected tribes; and

25 (6) Such other actions or items as are deemed necessary by the  
26 office of regulatory assistance for the design and construction of  
27 the project.

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