

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2819

Chapter 46, Laws of 2020

66th Legislature
2020 Regular Session

CERTAIN PUMPED STORAGE PROJECTS--STATEWIDE SIGNIFICANCE

EFFECTIVE DATE: June 11, 2020

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

LAURIE JINKINS

Speaker of the House of Representatives

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

CYRUS HABIB

President of the Senate

Approved March 18, 2020 10:49 AM

JAY INSLEE

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.

BERNARD DEAN

Chief Clerk

FILED

March 18, 2020

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2819

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.

Passed by the House February 18, 2020.

Passed by the Senate March 6, 2020.

Approved by the Governor March 18, 2020.

Filed in Office of Secretary of State March 18, 2020.

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