

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5588

Chapter 24, Laws of 2019

66th Legislature
2019 Regular Session

RENEWABLE HYDROGEN--PUBLIC UTILITY DISTRICTS

EFFECTIVE DATE: July 28, 2019

Passed by the Senate February 15, 2019
Yeas 47 Nays 0

KAREN KEISER

President of the Senate

Passed by the House April 9, 2019
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 17, 2019 12:13 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5588** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

April 18, 2019

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5588

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Hawkins, Palumbo, Ericksen, Van De Wege, Fortunato, Short, Billig, Hobbs, Braun, Takko, Warnick, Sheldon, Wagoner, Hunt, Das, Zeiger, Wellman, King, Nguyen, Hasegawa, Kuderer, Bailey, Rivers, Holy, Wilson, L., Padden, Walsh, Dhingra, Frockt, Keiser, Lias, O'Ban, and Wilson, C.)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to authorizing the production, distribution, and
2 sale of renewable hydrogen; and amending RCW 54.04.190.

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

4 **Sec. 1.** RCW 54.04.190 and 2015 c 31 s 1 are each amended to read
5 as follows:

6 (1) In addition to any other authority provided by law, public
7 utility districts are authorized to produce and distribute biodiesel,
8 ethanol, and ethanol blend fuels, including entering into crop
9 purchase contracts for a dedicated energy crop for the purpose of
10 generating electricity or producing biodiesel produced from
11 Washington feedstocks, cellulosic ethanol, and cellulosic ethanol
12 blend fuels for use in internal operations of the electric utility
13 and for sale or distribution.

14 (2) In addition to any other authority provided by law:

15 (a) Public utility districts are authorized to produce renewable
16 natural gas and renewable hydrogen and utilize the renewable natural
17 gas or renewable hydrogen they produce for internal operations.

18 (b) Public utility districts may sell renewable natural gas or
19 renewable hydrogen that is delivered into a gas transmission pipeline
20 located in the state of Washington or delivered in pressurized
21 containers:

1 (i) At wholesale; ~~((e))~~

2 (ii) To an end-use customer; or

3 (iii) If delivered in a pressurized container, or if the end-use
4 customer takes delivery of the renewable natural gas or renewable
5 hydrogen through a pipeline, and the end-use customer is an eligible
6 purchaser of natural gas from sellers other than the gas company from
7 which that end-use customer takes transportation service and:

8 (A) When the sale is made to an end-use customer in the state of
9 Washington, the sale is made pursuant to a transportation tariff
10 approved by the Washington utilities and transportation commission;
11 or

12 (B) When the sale to an end-use customer is made outside of the
13 state of Washington, the sale is made pursuant to a transportation
14 tariff approved by the state agency which regulates retail sales of
15 natural gas.

16 (c) Public utility districts may sell renewable natural gas or
17 renewable hydrogen at wholesale or to an end-use customer through a
18 pipeline directly from renewable natural gas or renewable hydrogen
19 production facilities to facilities that compress, liquefy, or
20 dispense compressed natural gas ~~((e))~~, liquefied natural gas, or
21 renewable hydrogen fuel for end use as a transportation fuel.

22 (d) Public utility districts may sell renewable hydrogen at
23 wholesale or to an end-use customer in pressurized containers
24 directly from renewable hydrogen production facilities to facilities
25 that utilize renewable hydrogen as a nonutility related input for a
26 manufacturing process.

27 (3) Except as provided in subsection (2) (b) ~~((ii))~~ (iii) of this
28 section, nothing in this section authorizes a public utility district
29 to sell renewable natural gas or renewable hydrogen delivered by
30 pipeline to an end-use customer of a gas company.

31 (4) (a) Except as provided in this subsection (4), nothing in this
32 section authorizes a public utility district to own or operate
33 natural gas distribution pipeline systems used to serve retail
34 customers.

35 (b) For the purposes of subsection (2) (b) of this section, public
36 utility districts are authorized to own and operate interconnection
37 pipelines that connect renewable natural gas or renewable hydrogen
38 production facilities to gas transmission pipelines.

39 (c) For the purposes of subsection (2) (c) of this section, public
40 utility districts may own and/or operate pipelines to supply, and/or

1 compressed natural gas ~~((or))~~, liquefied natural gas, or renewable
2 hydrogen facilities to provide, renewable natural gas or renewable
3 hydrogen for end use as a transportation fuel if all such pipelines
4 and facilities are located in the county in which the public utility
5 district is authorized to provide utility service.

6 (5) Exercise of the authorities granted under this section to
7 public utility districts does not subject them to the jurisdiction of
8 the utilities and transportation commission, except that public
9 utility districts are subject only to administration and enforcement
10 by the commission of state and federal requirements related to
11 pipeline safety and fees payable to the commission that are
12 applicable to such administration and enforcement.

13 (6) ~~((For purposes of this subsection:))~~ The definitions in this
14 subsection apply throughout this section unless the context clearly
15 requires otherwise.

16 (a) "Renewable natural gas" means a gas consisting largely of
17 methane and other hydrocarbons derived from the decomposition of
18 organic material in landfills, wastewater treatment facilities, and
19 anaerobic digesters.

20 (b) "Renewable hydrogen" means hydrogen produced using renewable
21 resources both as the source for the hydrogen and the source for the
22 energy input into the production process.

23 (c) "Renewable resource" means: (i) Water; (ii) wind; (iii) solar
24 energy; (iv) geothermal energy; (v) renewable natural gas; (vi)
25 renewable hydrogen; (vii) wave, ocean, or tidal power; (viii)
26 biodiesel fuel that is not derived from crops raised on land cleared
27 from old growth or first growth forests; or (ix) biomass energy.

28 (d) "Gas company" has the same meaning as in RCW 80.04.010.

Passed by the Senate February 15, 2019.

Passed by the House April 9, 2019.

Approved by the Governor April 17, 2019.

Filed in Office of Secretary of State April 18, 2019.

--- END ---