

SENATE BILL REPORT

SB 5317

As Reported by Senate Committee On:
Environment, Energy & Technology, February 14, 2025

Title: An act relating to exempting local governments providing certain services for projects under the jurisdiction of the energy facility siting evaluation council from certain appeals.

Brief Description: Exempting local governments providing certain services for projects under the jurisdiction of the energy facility siting evaluation council from certain appeals.

Sponsors: Senators Goehner, Chapman, Christian, Dozier, Boehnke, Lovelett and Wilson, J..

Brief History:

Committee Activity: Environment, Energy & Technology: 1/31/25, 2/14/25 [DP].

Brief Summary of Bill

- Specifies that any city or county entering into an agreement with the Energy Facility Site Evaluation Council to provide technical assistance, review applications or plans, or inspect energy facilities is in compliance with all other state and local laws.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Boehnke, Ranking Member; Dhingra, Harris, Liias, Lovelett, MacEwen, Ramos, Short and Wellman.

Staff: Kimberly Cushing (786-7421)

Background: Energy Facility Site Evaluation Council. Created in 1970, the Energy Facility Site Evaluation Council (EFSEC) is the permitting and certifying authority for siting major energy facilities in Washington. EFSEC is comprised of a chair appointed by the Governor, and representatives from five state agencies.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

EFSEC's siting jurisdiction includes nuclear power plants of any size and thermal electric power plants with a generating capacity of 350 megawatts or greater. Energy facilities of any size that exclusively use alternative energy resources, such as wind or solar energy, clean energy product manufacturing facilities, and storage facilities may opt into the EFSEC certification process.

EFSEC coordinates all evaluation and licensing steps for siting certain energy facilities, and specifies the conditions of construction, enlargement, and operation. An EFSEC site certification agreement authorizes an applicant to construct and operate an energy facility in lieu of permits or documents required by any other state agency or subdivision.

Summary of Bill: A city or county is in compliance with state and local laws which may be in conflict when entering into an agreement with EFSEC to:

- provide technical assistance;
- review an application or plan; or
- inspect the siting, construction, or operation of any proposed or certificated energy facility.

These actions are also not subject to appeal under the State Environmental Policy Act or Land Use Petition Act.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: EFSEC is great about working with local governments once a project is approved. Local counties do want to collaborate with EFSEC, whether they like a project or not, on the construction and operation of a project. However, some counties have received legal advice discouraging them from entering into collaborative agreements on the basis that these projects are inconsistent with local codes and development regulations. EFSEC and the Governor have the ability to approve projects even if they violate local codes, but these protections are not in place for local governments. Local governments are concerned that by collaborating with EFSEC, they are putting themselves at risk for appeals and claims for damages. This bill would prevent that from happening.

Persons Testifying: PRO: Senator Keith Goehner, Prime Sponsor; Paul Jewell, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: No one.