

SENATE BILL REPORT

SB 5992

As of January 24, 2024

Title: An act relating to requiring applicants seeking energy facility site certification for an energy facility that generates electricity using renewable resources to provide evidence of an adequate water supply for the project.

Brief Description: Requiring applicants seeking energy facility site certification for an energy facility that generates electricity using renewable resources to provide evidence of an adequate water supply for the project.

Sponsors: Senators Warnick, King, Boehnke, Dozier and Torres.

Brief History:

Committee Activity: Environment, Energy & Technology: 1/24/24.

Brief Summary of Bill

- Requires each applicant seeking Energy Facility Site Evaluation Council certification for a facility generating electricity using renewable resources to provide evidence of an adequate water supply for the project.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

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. An EFSEC site certification agreement (SCA) authorizes an applicant to construct and operate an energy facility in lieu of permits or documents required by any other state agency or subdivision. As part of the SCA process, EFSEC issues all state and federal air and water-discharge permits.

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.

For the purposes of EFSEC, a renewable resource means: water; wind; solar energy; geothermal energy; renewable natural gas; renewable hydrogen; wave, ocean, or tidal power; biodiesel fuel that is not derived from crops raised on land cleared from old growth or first growth forests; or biomass energy.

Summary of Bill: Each applicant seeking EFSEC certification for an energy facility using renewable resources to generate electricity must provide evidence of an adequate water supply for the project. This includes the ongoing operation, management, and maintenance of the facility.

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: The Yakima River basin is overallocated even under the best circumstances. This bill helps to make sure that we have enough information in front of EFSEC to make a good decision about location of renewable resource developments and if there is sufficient water available. Without the amendment, there is no requirement for energy projects to join this conversation. This bill provides concessions to special interests and highlights selective concerns which promote a preconceived outcome by unfairly securing water rights for these special interests. This bill can be amended by adding one sentence that honors and upholds the principles of environmental justice by ensuring that every permitting process in Washington State is fair and equitable for all residents, businesses, and sovereigns.

CON: This bill is duplicative and makes a requirement that already exists by EFSEC to analyze and confirm adequate water supply prior to construction unnecessarily onerous by requiring developers to secure such water rights years in advance of when they would expect to otherwise receive permission from EFSEC to proceed. This process is lengthy and costly, adding further difficulties to building clean energy.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Commissioner Amanda McKinney, Yakima County Board of Commissioners; Cory Wright, Kittitas County.

CON: Kate Brouns, Renewable Northwest; Vicki Christophersen, Northwest and Intermountain Power Producers Coalition .

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