
ENGROSSED SUBSTITUTE SENATE BILL 5290

State of Washington

63rd Legislature

2013 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Delvin, Ericksen, Sheldon, Roach, Becker, Bailey, Rivers, Honeyford, Braun, Carrell, Schoesler, Parlette, and Hewitt)

READ FIRST TIME 02/14/13.

1 AN ACT Relating to designating certain hydroelectric generation
2 from a generation facility located in irrigation pipes, irrigation
3 canals, water pipes whose primary purpose is for conveyance of water
4 for domestic use, and wastewater pipes as an eligible renewable
5 resource under chapter 19.285 RCW; and reenacting and amending RCW
6 19.285.030.

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

8 **Sec. 1.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and
9 amended to read as follows:

10 The definitions in this section apply throughout this chapter
11 unless the context clearly requires otherwise.

12 (1) "Attorney general" means the Washington state office of the
13 attorney general.

14 (2) "Auditor" means: (a) The Washington state auditor's office or
15 its designee for qualifying utilities under its jurisdiction that are
16 not investor-owned utilities; or (b) an independent auditor selected by
17 a qualifying utility that is not under the jurisdiction of the state
18 auditor and is not an investor-owned utility.

1 (3)(a) "Biomass energy" includes: (i) Organic by-products of
2 pulping and the wood manufacturing process; (ii) animal manure; (iii)
3 solid organic fuels from wood; (iv) forest or field residues; (v)
4 untreated wooden demolition or construction debris; (vi) food waste and
5 food processing residuals; (vii) liquors derived from algae; (viii)
6 dedicated energy crops; and (ix) yard waste.

7 (b) "Biomass energy" does not include: (i) Wood pieces that have
8 been treated with chemical preservatives such as creosote,
9 pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth
10 forests; or (iii) municipal solid waste.

11 (4) "Commission" means the Washington state utilities and
12 transportation commission.

13 (5) "Conservation" means any reduction in electric power
14 consumption resulting from increases in the efficiency of energy use,
15 production, or distribution.

16 (6) "Cost-effective" has the same meaning as defined in RCW
17 80.52.030.

18 (7) "Council" means the Washington state apprenticeship and
19 training council within the department of labor and industries.

20 (8) "Customer" means a person or entity that purchases electricity
21 for ultimate consumption and not for resale.

22 (9) "Department" means the department of commerce or its successor.

23 (10) "Distributed generation" means an eligible renewable resource
24 where the generation facility or any integrated cluster of such
25 facilities has a generating capacity of not more than five megawatts.

26 (11) "Eligible renewable resource" means:

27 (a) Electricity from a generation facility powered by a renewable
28 resource other than freshwater that commences operation after March 31,
29 1999, where: (i) The facility is located in the Pacific Northwest; or
30 (ii) the electricity from the facility is delivered into Washington
31 state on a real-time basis without shaping, storage, or integration
32 services;

33 (b) Incremental electricity produced as a result of efficiency
34 improvements completed after March 31, 1999, to hydroelectric
35 generation projects owned by a qualifying utility and located in the
36 Pacific Northwest (~~(or to hydroelectric generation in irrigation pipes~~
37 ~~and canals located in the Pacific Northwest,)) where the additional~~

1 generation (~~in either case~~) does not result in new water diversions
2 or impoundments; (~~and~~)

3 (c) Hydroelectric generation from a project completed after March
4 31, 1999, where the generation facility is located in irrigation pipes,
5 irrigation canals, water pipes whose primary purpose is for conveyance
6 of water for domestic use, and wastewater pipes located in Washington
7 where the generation does not result in new water diversions or
8 impoundments; or

9 (d) Qualified biomass energy.

10 (12) "Investor-owned utility" has the same meaning as defined in
11 RCW 19.29A.010.

12 (13) "Load" means the amount of kilowatt-hours of electricity
13 delivered in the most recently completed year by a qualifying utility
14 to its Washington retail customers.

15 (14) "Nonpower attributes" means all environmentally related
16 characteristics, exclusive of energy, capacity reliability, and other
17 electrical power service attributes, that are associated with the
18 generation of electricity from a renewable resource, including but not
19 limited to the facility's fuel type, geographic location, vintage,
20 qualification as an eligible renewable resource, and avoided emissions
21 of pollutants to the air, soil, or water, and avoided emissions of
22 carbon dioxide and other greenhouse gases.

23 (15) "Pacific Northwest" has the same meaning as defined for the
24 Bonneville power administration in section 3 of the Pacific Northwest
25 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
26 Sec. 839a).

27 (16) "Public facility" has the same meaning as defined in RCW
28 39.35C.010.

29 (17) "Qualified biomass energy" means electricity produced from a
30 biomass energy facility that: (a) Commenced operation before March 31,
31 1999; (b) contributes to the qualifying utility's load; and (c) is
32 owned either by: (i) A qualifying utility; or (ii) an industrial
33 facility that is directly interconnected with electricity facilities
34 that are owned by a qualifying utility and capable of carrying
35 electricity at transmission voltage.

36 (18) "Qualifying utility" means an electric utility, as the term
37 "electric utility" is defined in RCW 19.29A.010, that serves more than
38 twenty-five thousand customers in the state of Washington. The number

1 of customers served may be based on data reported by a utility in form
2 861, "annual electric utility report," filed with the energy
3 information administration, United States department of energy.

4 (19) "Renewable energy credit" means a tradable certificate of
5 proof of at least one megawatt-hour of an eligible renewable resource
6 where the generation facility is not powered by freshwater. The
7 certificate includes all of the nonpower attributes associated with
8 that one megawatt-hour of electricity, and the certificate is verified
9 by a renewable energy credit tracking system selected by the
10 department.

11 (20) "Renewable resource" means: (a) Water; (b) wind; (c) solar
12 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
13 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
14 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
15 on land cleared from old growth or first-growth forests where the
16 clearing occurred after December 7, 2006; or (i) biomass energy.

17 (21) "Rule" means rules adopted by an agency or other entity of
18 Washington state government to carry out the intent and purposes of
19 this chapter.

20 (22) "Year" means the twelve-month period commencing January 1st
21 and ending December 31st.

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