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**SENATE BILL 5872**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senator Brown

1       AN ACT Relating to recognizing that power plants that comply with  
2 the state greenhouse gas emissions performance standard are  
3 consistent with Washington's long-term policy for electricity;  
4 amending RCW 19.405.050 and 80.80.050; and creating a new section.

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

6       NEW SECTION.   **Sec. 1.**   The legislature finds that the European  
7 Union recently recognized that nuclear and natural gas power plants  
8 should be included in the European Union's taxonomy of  
9 environmentally sustainable activities and investments that will help  
10 the European Union attain its climate and energy goals. The  
11 legislature further finds that, like the European Union, Washington  
12 has set climate and energy goals that the state seeks to attain.  
13 These state goals include policies for the generation of electricity  
14 supplied to Washington customers. However, Washington's long-term  
15 policy for electricity discourages some sources of electric  
16 generation, even if those sources comply with the state greenhouse  
17 gas emissions performance standard for power plants. Therefore, the  
18 legislature finds that Washington should modify its long-term policy  
19 for electricity by recognizing that a broader variety of electric  
20 generation sources, such as natural gas, should be available to help  
21 the state meet its goals. To accomplish this, the legislature intends

1 to establish that power plants that comply with the state's  
2 greenhouse gas emissions performance standard must be recognized as  
3 sources of electric generation that are consistent with the emissions  
4 reduction policy the state intends to achieve by 2045.

5 **Sec. 2.** RCW 19.405.050 and 2019 c 288 s 5 are each amended to  
6 read as follows:

7 (1) It is the policy of the state that nonemitting electric  
8 generation and electricity from renewable resources supply (~~one~~  
9 ~~hundred~~) 100 percent of all sales of electricity to Washington  
10 retail electric customers by January 1, 2045. By January 1, 2045, and  
11 each year thereafter, each electric utility must demonstrate its  
12 compliance with this standard using a combination of nonemitting  
13 electric generation and electricity from renewable resources.

14 (2) Notwithstanding subsection (1) of this section, supplying  
15 electricity from a power plant that complies with the greenhouse gas  
16 emissions performance standard established under RCW 80.80.040 or  
17 80.80.050 is not a violation of the policy enunciated in subsection  
18 (1) of this section.

19 (3) Each electric utility must incorporate subsection (1) of this  
20 section into all relevant planning and resource acquisition practices  
21 including, but not limited to: Resource planning under chapter 19.280  
22 RCW; the construction or acquisition of property, including electric  
23 generating facilities; and the provision of electricity service to  
24 retail electric customers.

25 ~~((3))~~ (4) In planning to meet projected demand consistent with  
26 the requirements of subsection ~~((2))~~ (3) of this section and RCW  
27 19.285.040, if applicable, an electric utility must pursue all cost-  
28 effective, reliable, and feasible conservation and efficiency  
29 resources, and demand response. In making new investments, an  
30 electric utility must, to the maximum extent feasible:

31 (a) Achieve targets at the lowest reasonable cost, considering  
32 risk;

33 (b) Consider acquisition of existing renewable resources; and

34 (c) In the acquisition of new resources constructed after May 7,  
35 2019, rely on renewable resources and energy storage, insofar as  
36 doing so is consistent with (a) of this subsection.

37 ~~((4))~~ (5) The commission, department, energy facility site  
38 evaluation council, department of ecology, and all other state  
39 agencies must incorporate this section into all relevant planning and

1 utilize all programs authorized by statute to achieve subsection (1)  
2 of this section.

3 ~~((+5))~~ (6)(a) Hydroelectric generation used by an electric  
4 utility to satisfy the requirements of this section may not include  
5 new diversions, new impoundments, new bypass reaches, or expansion of  
6 existing reservoirs constructed after May 7, 2019, unless the  
7 diversions, bypass reaches, or reservoir expansions are necessary for  
8 the operation of a pumped storage facility that: (i) Does not  
9 conflict with existing state or federal fish recovery plans; and (ii)  
10 complies with all local, state, and federal laws and regulations.

11 (b) Nothing in (a) of this subsection precludes an electric  
12 utility that owns and operates hydroelectric generating facilities,  
13 or the owner of a hydroelectric generating facility whose energy  
14 output is marketed by the Bonneville power administration, from  
15 making efficiency or other improvements to its hydroelectric  
16 generating facilities existing as of May 7, 2019, or from installing  
17 hydroelectric generation in pipes, culverts, irrigation canals, and  
18 other man-made waterways as long as those changes do not create  
19 conflicts with existing state or federal fish recovery plans and  
20 comply with all local, state, and federal laws and regulations.

21 ~~((+6))~~ (7) Nothing in this section prohibits an electric utility  
22 from purchasing or exchanging power from the Bonneville power  
23 administration.

24 ~~((+7))~~ (8) Affected market customers must comply with the  
25 obligations of this section.

26 ~~((+8))~~ (9) Any market customer that purchases electricity  
27 exclusively from carbon-free resources and eligible renewable  
28 resources, as defined in RCW 19.285.030 as of January 1, 2019,  
29 pursuant to a special contract with an investor-owned utility  
30 approved, prior to May 7, 2019, by order of the commission is subject  
31 to the requirements of such an order and not to the standards  
32 established in this section. For the purposes of interpreting such a  
33 special contract, chapter 19.285 RCW, as in effect on January 1,  
34 2019, is not, either directly or indirectly, amended or supplemented.

35 **Sec. 3.** RCW 80.80.050 and 2007 c 307 s 7 are each amended to  
36 read as follows:

37 The energy policy division of the department of ~~((community,~~  
38 ~~trade, and economic development))~~ commerce shall provide an  
39 opportunity for interested parties to comment on the development of a

1 survey of new combined-cycle natural gas thermal electric generation  
2 turbines commercially available and offered for sale by manufacturers  
3 and purchased in the United States to determine the average rate of  
4 emissions of greenhouse gases for these turbines. The department of  
5 (~~community, trade, and economic development~~) commerce shall report  
6 the results of its survey to the legislature every five years,  
7 beginning June 30, 2013. The department of (~~community, trade, and  
8 economic development~~) commerce shall adopt by rule the average  
9 available greenhouse (~~gases~~) gas emissions output every five years  
10 beginning five years after July 22, 2007.

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