

ESSB 5840 - H AMD 575

By Representative Dunshee

NOT ADOPTED 04/17/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Attorney general" means the Washington state office of the
8 attorney general.

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

14 (3) "Biomass energy" includes: (a) Byproducts of pulping and wood
15 manufacturing process; (b) animal waste; (c) solid organic fuels from
16 wood; (d) forest or field residues; (e) wooden demolition or
17 construction debris; (f) food waste; (g) liquors derived from algae and
18 other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard
19 waste. "Biomass energy" does not include wood pieces that have been
20 treated with chemical preservatives such as creosote,
21 pentachlorophenol, or copper-chrome-arsenic; wood from old growth
22 forests; or municipal solid waste.

23 (4) "Commission" means the Washington state utilities and
24 transportation commission.

25 ((+4)) (5) "Conservation" means any reduction in electric power
26 consumption resulting from increases in the efficiency of energy use,
27 production, or distribution.

28 ((+5)) (6) "Cost-effective" has the same meaning as defined in RCW
29 80.52.030.

1 ~~((+6))~~ (7) "Council" means the Washington state apprenticeship and
2 training council within the department of labor and industries.

3 ~~((+7))~~ (8) "Customer" means a person or entity that purchases
4 electricity for ultimate consumption and not for resale.

5 ~~((+8))~~ (9) "Department" means the department of community, trade,
6 and economic development or its successor.

7 ~~((+9))~~ (10) "Distributed generation" means an eligible renewable
8 resource where the generation facility or any integrated cluster of
9 such facilities has a generating capacity of not more than five
10 megawatts.

11 ~~((+10))~~ (11) "Eligible renewable resource" means:

12 (a) Electricity from a generation facility powered by a renewable
13 resource other than fresh water that commences operation after March
14 31, 1999, where: (i) The facility is located in the Pacific Northwest;
15 or (ii) the electricity from the facility is delivered into Washington
16 state on a real-time basis without shaping, storage, or integration
17 services; or

18 (b) Incremental electricity produced as a result of efficiency
19 improvements completed after March 31, 1999, to hydroelectric
20 generation projects owned by a qualifying utility and located in the
21 Pacific Northwest or to hydroelectric generation in irrigation pipes
22 and canals located in the Pacific Northwest, where the additional
23 generation in either case does not result in new water diversions or
24 impoundments.

25 ~~((+11))~~ (12) "Investor-owned utility" has the same meaning as
26 defined in RCW 19.29A.010.

27 ~~((+12))~~ (13) "Load" means the amount of kilowatt-hours of
28 electricity delivered in the most recently completed year by a
29 qualifying utility to its Washington retail customers.

30 ~~((+13))~~ (14) "Nonpower attributes" means all environmentally
31 related characteristics, exclusive of energy, capacity reliability, and
32 other electrical power service attributes, that are associated with the
33 generation of electricity from a renewable resource, including but not
34 limited to the facility's fuel type, geographic location, vintage,
35 qualification as an eligible renewable resource, and avoided emissions
36 of pollutants to the air, soil, or water, and avoided emissions of
37 carbon dioxide and other greenhouse gases.

1 ((+14)) (15) "Pacific Northwest" has the same meaning as defined
2 for the Bonneville power administration in section 3 of the Pacific
3 Northwest electric power planning and conservation act (94 Stat. 2698;
4 16 U.S.C. Sec. 839a).

5 ((+15)) (16) "Public facility" has the same meaning as defined in
6 RCW 39.35C.010.

7 ((+16)) (17) "Qualifying utility" means an electric utility, as
8 the term "electric utility" is defined in RCW 19.29A.010, that serves
9 more than twenty-five thousand customers in the state of Washington.
10 The number of customers served may be based on data reported by a
11 utility in form 861, "annual electric utility report," filed with the
12 energy information administration, United States department of energy.

13 ((+17)) (18) "Renewable energy credit" means a tradable
14 certificate of proof of at least one megawatt-hour of an eligible
15 renewable resource where the generation facility is not powered by
16 fresh water, the certificate includes all of the nonpower attributes
17 associated with that one megawatt-hour of electricity, and the
18 certificate is verified by a renewable energy credit tracking system
19 selected by the department.

20 ((+18)) (19) "Renewable resource" means: (a) Water; (b) wind; (c)
21 solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean,
22 or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
23 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
24 on land cleared from old growth or first-growth forests where the
25 clearing occurred after December 7, 2006; and (i) biomass energy
26 (~~based on animal waste or solid organic fuels from wood, forest, or~~
27 ~~field residues, or dedicated energy crops that do not include (i) wood~~
28 ~~pieces that have been treated with chemical preservatives such as~~
29 ~~creosote, pentachlorophenol, or copper chrome arsenic; (ii) black~~
30 ~~liquor byproduct from paper production; (iii) wood from old growth~~
31 ~~forests; or (iv) municipal solid waste)).~~

32 ((+19)) (20) "Rule" means rules adopted by an agency or other
33 entity of Washington state government to carry out the intent and
34 purposes of this chapter.

35 ((+20)) (21) "Year" means the twelve-month period commencing
36 January 1st and ending December 31st."

37 Correct the title.

EFFECT: Removes the types of fuels that qualify as biomass energy from the definition of renewable resources and creates a separate definition of biomass energy.

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