
SENATE BILL 6352

State of Washington

66th Legislature

2020 Regular Session

By Senator Warnick

1 AN ACT Relating to eliminating expedited processing of
2 alternative energy resource facilities before the energy facility
3 site evaluation council; amending RCW 80.50.075; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the energy
7 facility site evaluation council's certification process undermines
8 opportunities for local review of alternative energy resource
9 facilities. The current process creates an unfair advantage for those
10 facilities, which have the special privilege of being able to opt out
11 of the local review process if the local review process reveals local
12 concerns. The legislature intends to create parity among different
13 types of facilities by prohibiting alternative energy resource
14 facilities from being eligible for expedited review before the
15 council. This will allow for a comprehensive review of local concerns
16 if an alternative energy resource facility chooses to receive
17 certification from the council.

18 **Sec. 2.** RCW 80.50.075 and 2006 c 205 s 2 are each amended to
19 read as follows:

1 (1) Any person filing an application for certification of an
2 energy facility (~~(or an alternative energy resource facility)~~)
3 pursuant to this chapter may apply to the council for an expedited
4 processing of such an application. The application for expedited
5 processing shall be submitted to the council in such form and manner
6 and accompanied by such information as may be prescribed by council
7 rule. The council may grant an applicant expedited processing of an
8 application for certification upon finding that the environmental
9 impact of the proposed energy facility is not significant or will be
10 mitigated to a nonsignificant level under RCW 43.21C.031 and the
11 project is found under RCW 80.50.090(2) to be consistent and in
12 compliance with city, county, or regional land use plans or zoning
13 ordinances.

14 (2) Upon granting an applicant expedited processing of an
15 application for certification, the council shall not be required to:

16 (a) Commission an independent study to further measure the
17 consequences of the proposed energy facility (~~(or alternative energy~~
18 ~~resource facility)~~) on the environment, notwithstanding the other
19 provisions of RCW 80.50.071; nor

20 (b) Hold an adjudicative proceeding under chapter 34.05 RCW, the
21 administrative procedure act, on the application.

22 (3) The council shall adopt rules governing the expedited
23 processing of an application for certification pursuant to this
24 section.

25 (4) An alternative energy resource facility that chooses to
26 receive certification pursuant to RCW 80.50.060(2) is not eligible
27 for expedited processing under this section.

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