

E3SHB 1091 - S AMD TO WM COMM AMD (S-2397.5/21) **659**

By Senator Van De Wege

ADOPTED 04/08/2021

1 On page 1, line 29, after "(3)" insert "The legislature finds
2 that the clean fuel standard created in this chapter will create jobs
3 in Washington state in the production and distribution of sustainable
4 fuels like biofuels from agricultural feedstocks and forest
5 residuals, hydrogen produced from renewable feedstocks, and more. In
6 order to maximize the benefits of this policy to Washington workers
7 while also protecting the environment for current and future
8 generations, it is necessary to uphold and improve upon the state's
9 siting policies. By identifying priority areas of the state for
10 development and by developing methods to further avoid, minimize, and
11 mitigate environmental impacts consistent with statute, rules, and
12 guidance, Washington can protect its environment, contribute to the
13 global fight against climate change, and support broadly shared
14 prosperity.

15 (4)"

16 On page 38, after line 9, insert the following:

17 **"NEW SECTION. Sec. 26.** A new section is added to chapter 28B.30
18 RCW to read as follows:

19 (1) Subject to the availability of amounts appropriated for this
20 specific purpose, Washington State University's energy program must
21 initiate a least conflict priority clean energy project siting
22 program in coordination with the energy facility site evaluation
23 council, the department of ecology, the department of commerce, the
24 department of fish and wildlife, local governments, clean energy
25 stakeholders, conservation stakeholders, and Indian tribes. This
26 program must engage all relevant agencies, stakeholders, and Indian
27 tribes to identify priority areas in Washington state with the least
28 amount of potential environmental impact and other conflict over
29 competing land uses in the siting of major clean energy projects with
30 the potential to produce significant volumes of transportation fuel
31 with a low carbon intensity, or that support the production of such
32 transportation fuel. Washington State University's energy program may

1 identify different priority areas for different types of industrial
2 or manufacturing clean energy projects with the potential to produce
3 significant volumes of transportation fuel with a low carbon
4 intensity in sectors including, but not limited to, biofuels,
5 agricultural and forest biomass, hydrogen produced via electrolysis
6 of water, and renewable natural gas.

7 (2) A project proposed in an area designated under subsection (1)
8 of this section does not receive a guarantee or assurance of being
9 permitted and is subject to review consistent with chapter 43.21C RCW
10 and applicable environmental permit processes. Project proponents are
11 not limited to proposing projects in identified least conflict zones.

12 (3) The identification of priority areas completed in subsection
13 (1) of this section must be updated at least once every six years.

14 NEW SECTION. **Sec. 27.** A new section is added to chapter 43.21A
15 RCW to read as follows:

16 Subject to the availability of amounts appropriated for this
17 specific purpose, the department, in consultation with the department
18 of commerce, must periodically convene stakeholders, including all of
19 those identified in section 26 of this act, Indian tribes, and the
20 member agencies of the energy facility site evaluation council to
21 identify and discuss avoidance, minimization, and mitigation of
22 significant likely environmental impacts of clean energy projects
23 specified in section 26 of this act. The environmental impacts
24 identified and discussed must include, but are not limited to, air
25 quality impacts, impacts to land and aquatic habitats, and wildlife
26 impacts that may result from clean energy projects. The department
27 must periodically provide a report to the appropriate committees of
28 the house of representatives and the senate identifying mitigation
29 resources, funding needs, and potential policies and programs to
30 modify permitting and environmental review necessary for construction
31 of clean energy projects with the potential to produce significant
32 volumes of transportation fuel with a low carbon intensity, or that
33 support the production of such transportation fuel, in Washington
34 state."

35 Renumber the remaining sections consecutively and correct any
36 internal references accordingly.

ADOPTED 04/08/2021

1 On page 38, at the beginning of line 24, after "RCW;" insert
2 "adding a new section to chapter 28B.30 RCW; adding a new section to
3 chapter 43.21A RCW;"

EFFECT: (1) Requires the Washington State University (WSU) Energy program, in coordination with specified state agencies, to initiate a program to identify least conflict priority sites for clean energy projects with the potential to produce significant volumes of low carbon transportation fuel.

(2) Provides that SEPA and environmental permit processes apply to project proposals in areas identified through the WSU energy program site identification process.

(3) Requires the WSU energy program to update its identification of priority areas every six years.

(4) Requires the Department of Ecology to periodically convene stakeholders, specified agencies, and Indian tribes to identify and discuss mitigation of significant likely environmental impacts associated with clean energy projects with the potential to produce significant volumes of transportation fuel with a low carbon intensity, or that support the production of such transportation fuel, in Washington state.

(5) Requires the Department of Ecology to provide a periodic report to the Legislature on mitigation resources, funding needs, and potential policies and programs to modify permitting and environmental review associated with clean energy projects that produce transportation fuel.

(6) Adds language to the intent section.

--- END ---