Legislative Changes to EFSEC (E2SHB 1812)

Kathleen Drew, Chair
Energy Facility Site Evaluation Council (EFSEC)
Presentation to the Low-Carbon Energy Siting Team, 5/26/22
History

• EFSEC formed in 1970 for thermal power plants

• “One stop permitting”
  • Issuing agency for permits otherwise issued by a variety of agencies within the state (e.g., water quality, air quality, etc.)

• State agency and local government members

• EFSEC recommendation to Governor for final decision

• Final decision preempts all other state and local governments
Overview of the changes

• New project types can come before EFSEC

• Increased tribal consultation and equity

• Streamlined review processes (without reducing standards)

• Greater transparency

• Creation of an independent agency
New project types can opt in to EFSEC process

• Clean energy product manufacturing

• Green electrolytic hydrogen

• Energy storage facilities

• Also: Greater clarity on coverage of transmission projects

Previously required:
- Nuclear (electric)
- Thermal (non-hydro)
- Pipelines
- Refineries & storage

Previously opt-in:
- Alternative energy
- Transmission lines 115 kV or above
Increases consultation with tribes and includes overburdened communities in statute

- Adds promoting environmental justice to statute intent section
- Specifies EFSEC consultation process with affected federally recognized tribes
- Requires DAHP to work with applicant, tribes and EFSEC to assess effects to cultural resources
- Requires EFSEC to include conditions to protect overburdened communities in draft SCA
Streamlines review process (without reducing standards)

- Adds preapplication process to increase completeness of applications
  - Ensure the work gets done right the first time
- Requires participants to raise specific issues in writing prior to adjudication
- Council may limit adjudication to land use and zoning issues
Increases transparency of review process

- Adds a public comment period to accept written comments for adjudication
- Adds a public comment meeting prior to recommendation in expedited process
- Specifies Council consider comments received in considering recommendation
Creates EFSEC as an independent agency

- Creates an EFSEC account
- Eliminates requirement for UTC to provide administrative services
- Goal: To “right-size” costs for covered entities
Facilities

The image shows a map of facilities in the state of Washington. The map includes locations such as Olympia, Seattle, Spokane, Grays Harbor Energy Center, Columbia Solar, Kittitas Valley Wind, Badger Mountain, Desert Claim Wind, Wild Horse Wind, Wautoma Solar, Columbia Generating Station, High Top & Ostrea, and Horse Heaven. The map also indicates facilities in operations, under construction, approved without construction start, and rejected.