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5126-S2.E AMH ENVI LIPS 134

By Representative Ramel

**E2SSB 5126** - H COMM AMD TO ENVI COMM AMD (H-1557.1/21)

By Committee on Environment & Energy

1 On page 25, beginning on line 7 of the striking amendment, after  
2 "that" strike "provide for the displacement of more carbon intensive  
3 processes" and insert "facilitate decarbonization"

4  
5 On page 25, beginning on line 12 of the striking amendment, after  
6 "year," strike all material through "RCW" on line 29 and insert "a  
7 lead agency must evaluate the lifecycle greenhouse gas emissions of  
8 the facility, including any potential net cumulative emissions  
9 resulting from the project. The department may adopt rules to  
10 determine how to evaluate net cumulative emissions.

11 (d) A lead agency may determine that compliance with the  
12 requirements of this chapter constitutes mitigation for covered  
13 greenhouse gases from the facilities that have a compliance obligation  
14 under this chapter.

15 (e) A lead agency may determine that inclusion as a covered entity  
16 under this chapter constitutes mitigation of significant adverse  
17 impacts with respect to covered greenhouse gases that have a  
18 compliance obligation under this chapter for a low carbon-intensive  
19 facility subject to the requirements of chapter 43.21C RCW"

20  
21 On page 63, after line 23 of the striking amendment, insert the  
22 following:

23 "NEW SECTION. Sec. 31. A new section is added to chapter 43.21C  
24 RCW to read as follows: The review under this chapter of greenhouse  
25 gas emissions from a new or expanded facility subject to the  
26 greenhouse gas emission reduction requirements of chapter 70A. \_\_ RCW

27

1 (the new chapter created in section 32 of this act) must occur  
2 consistent with section 10(9) of this act.

3  
4 NEW SECTION. Sec. 32. A new section is added to chapter 70A.45  
5 RCW to read as follows: The state, state agencies, and political  
6 subdivisions of the state, in implementing their duties and  
7 authorities established under other laws, may only consider the  
8 greenhouse gas limits established in RCW 70A.45.020 in a manner that  
9 recognizes, where applicable, that the siting and placement of new  
10 best-in-class facilities that facilitate decarbonization is in the  
11 economic and environmental interests of the state of Washington."  
12

13 Renumber the remaining sections consecutively and correct any  
14 internal references accordingly. Correct the title.

EFFECT: Amends provisions addressing the siting of new or  
expanded facilities that require review under the State  
Environmental Policy Act (SEPA), including by:

- (1) Specifying that the provisions apply to review by lead agencies under SEPA, rather than just the Department of Ecology;
- (2) Describing the best in class facilities that are declared to be in the economic and environmental interests of Washington to site are facilities that facilitate decarbonization, rather than that displace more carbon intensive processes;
- (3) Eliminating the provisions that prohibit state emission limits from being the basis for the denial of a permit application or for judicial review and the provision establishing that compliance with cap and trade program requirements is the only mitigation for greenhouse gases that can be required by a state agency or local government;
- (4) Authorizing lead agencies to determine that compliance with cap and trade program requirements constitutes adequate mitigation for greenhouse gases from facilities that have a cap and trade program compliance obligation;
- (5) Adding a conforming amendment to SEPA (Chapter 43.21C RCW) requiring review of greenhouse gases to be consistent with the newly-established standards for consideration of greenhouse gases in facility siting; and
- (6) Adding a conforming amendment to the state greenhouse gas emission limits statute (Chapter 70A.45 RCW) to specify that state agencies and political subdivisions of the state may only apply state emission limits in a manner that recognizes that siting best-

in-class facilities that facilitate decarbonization is in the economic and environmental interests of Washington.

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