

Clean Economy Permitting Reform

B&D's Report to Washington Department of Commerce

Eric Christensen

January 14, 2025

Presentation to Washington State Legislature

House of Representatives, Committee on Energy & Environment



Legislative Background

- **2022 Energy/Commerce Report:** *Low-Carbon Energy Siting Improvement Report: Report and Recommendations for Siting and Permitting of Industrial Clean Energy Facilities* (November 2022) (Publication 22-16-013)
- Report to Interagency Clean Energy Siting Council per RCW 43.394.020(3)(a).
- **Available at:** <https://www.bdlaw.com/news/bd-lawyers-author-report-recommending-permitting-reforms-to-help-washington-state-meet-its-strict-decarbonization-goals/>

Recent Permitting Legislation

- **HB 1812 (2022): EFSEC Modernization**
 - Expanded Eligibility to “Clean Energy Product Manufacturing Facilities” and Transmission (> 115kV)
 - Staffing
 - Expedited Treatment
- **HB 1216 (2023): Coordinated Permitting Process**
 - Permitting Coordinated by Ecology
 - Time Limits
 - Renewable Energy Zones
 - Non-Project Reviews (green hydrogen, solar, wind (all + storage))

Report Methodology

✓ Consult with B&D experts

✓ Review laws from other states & jurisdictions

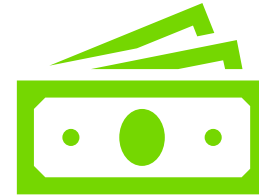
✓ Review studies and reports

✓ Interviews with developers, environmental groups, government agencies, permitting experts

Problems We Identified



Rapid buildout of green infrastructure required



But permitting processes can be:

- Very time consuming
- Very expensive
- Unpredictable
- Putting needed investment at risk

Searching for the “Goldilocks Zone”

“There is growing understanding that an unnecessarily slow environmental review process produces worse environmental outcomes, rather than better. America’s current permitting process helps to lock-in the status quo of energy infrastructure by hamstringing new development and improvements. With drastic scaleup of clean energy technologies needed, reforming the permitting process can align both the desire for improved environmental outcomes and energy sector growth by unlocking a wave of more sustainable project development. This approach requires recognizing that some historical arguments against permitting reform need to be reconsidered, while also acknowledging the importance of a clear, transparent review process for projects to ensure safety.”

Bipartisan Policy Center, [*Finding the Goldilocks Zone: A Synthesis Report Based on Seven Roundtable Discussions*](#) (January 2024).

Approaches Examined: Federal

- FAST-41 Project Dashboard/Management
 - Federal Permitting Steering Council
 - Project Dashboard & Agreed Timelines
- NEPA Reforms
 - Page limits
 - Clarification of Scope
- Nationwide Permits

Approaches Examined: States

- California
- New York
- Illinois
- Minnesota
- Michigan
- State Energy Authorities (WY, NM, CO)

Permitting Reform in Massachusetts

- Senate Bill No. 2967 An Act Promoting a Clean Energy Grid, Advancing Equity, and Protecting Ratepayers (2024/11/20)
 - Expedite clean energy infrastructure development
 - Streamlined Permitting Process:
 - Small Projects (Projects under 25 MW and storage facilities under 100 MWh):
 - Local governments must review and make final decision on permits within **12 months**.
 - Energy Facilities Siting Board (EFSB) may also issue a consolidated permit if requested.
 - Constructive approval if the 12-month deadlines is missed.
 - Large Projects (Projects exceeding 25 MW and storage facilities over 100 MWh):
 - EFSB consolidates permits and issues decisions within **15 months**.
 - Constructive approval if deadlines are missed.
 - All appeals of decisions made by the EFSB may be submitted for judicial review to the Massachusetts Supreme Judicial Court.

Permitting Reform in Pennsylvania

- Executive Order 2024-04 Permit Fast Track Program (2024/11/19)
 - Project-based Eligibility:
 - Determined by the Office of Transformation & Opportunity (OTO) based on factors such as:
 - Project size, complexity, and project timeline.
 - Potential economic impact and public benefit.
 - Environmental justice considerations.
 - OTO administers the Permit Fast Track Program and coordinates permitting processes across government agencies.
 - Substantive permit reviews remain unchanged, but with improved coordination
 - Selected projects develop a **Coordinated Project Plan** with government and private stakeholders

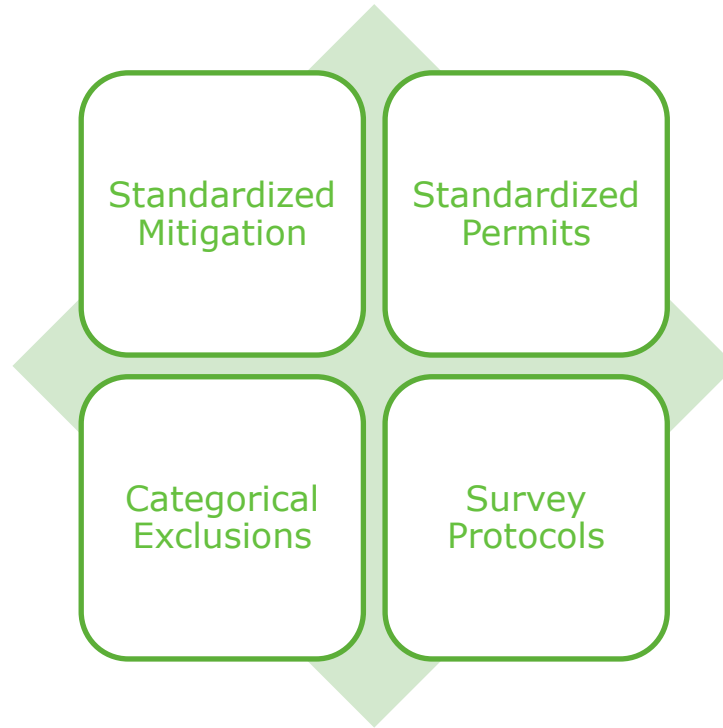
Proposed Solutions: All Permits

Personnel

SEPA Reforms

- Time limits
- Page limits
- EJ/SEPA Integration
- Non-Project Reviews

Proposed Solutions: All Permits



Proposed Solutions: Permitting Oversight

Permitting Dashboard/Project Management

Information Clearinghouse

- Mapping
- Least-Conflict Processes
- Renewable Energy Zones
- Technical Assistance
- Pre-Application Roundtable
- Standardized CBAs & Labor Agreements

Proposed Solutions: EFSEC

Clear Legal Standard

Independent Decision-Makers

Technology-Specific Standards

Mediation



Proposed Solutions: Local Permitting

**Capacity
Building/
Information**

Maximum Setbacks

**Limits on
Moratoriums**

Time Limits

**Transmission
Corridors**

Proposed Solutions: WA Renewable Energy Authority

- Transmission Planning/Coordination
- Transmission Corridors/REZ
- Build-Ready Renewables Process
 - Focus on brownfields & degraded lands
 - Obtain all permits
 - Auction to developers

Questions?

Thank you!



Eric Christensen

Principal

Seattle

(206) 620-3025

echristensen@bdlaw.com

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