

SENATE BILL REPORT

SB 6427

As Reported By Senate Committee On:
Energy, Telecommunications & Utilities, February 1, 1996

Title: An act relating to the restoration and redevelopment of an unfinished nuclear energy facility.

Brief Description: Using an unfinished nuclear energy facility.

Sponsors: Senators Snyder, Hargrove, Sutherland, Owen, Loveland and Newhouse.

Brief History:

Committee Activity: Energy, Telecommunications & Utilities: 1/23/96, 2/1/96 [DPS].

SENATE COMMITTEE ON ENERGY, TELECOMMUNICATIONS & UTILITIES

Majority Report: That Substitute Senate Bill No. 6427 be substituted therefor, and the substitute bill do pass.

Signed by Senators Sutherland, Chair; Loveland, Vice Chair; Finkbeiner, Hochstatter and Owen.

Staff: Phil Moeller (786-7445)

Background: The Energy Facility Site Evaluation Council (EFSEC) is the entity in state government with the responsibility of siting electricity-generating plants that generate over 250 megawatts. EFSEC is a one-stop permitting and certificating agency that includes representatives of several state agencies and representatives of a local government in which a proposed site is located. EFSEC has powers to pre-empt the permit authority of other state and local agencies. In some cases, such as nuclear plants, EFSEC has an ongoing role to assure that the plant operator meets permit or certificate requirements.

In the decade of the 1970s, EFSEC approved several proposed nuclear reactor projects. Two of these were located at Satsop in Grays Harbor County, WNP-3 and WNP-5. These projects are owned by the Washington Public Power Supply System, and neither of these reactors were ever finished.

Summary of Substitute Bill: The bill applies only to unfinished nuclear power projects that are not located on federal land. The certificate holder of such a project may contract, establish interlocal agreements, or use other formal means to transfer site restoration responsibilities, which may include economic development activities, to a political subdivision or combination of political subdivisions as long as these subdivisions have elected officials. These agreements may include transferring interest in the site or portions of the site, but must include transfers of any site responsibilities, specifically responsibilities pertaining to public health and safety. If a transfer of site water rights is not accomplished through rules, within six months of a transfer of the site or a portion of the site, the Department of Ecology is directed to create a trust water of between ten and twenty cubic

feet per second existing valid water rights in the same basin. The trust water right must be used for site restoration activities, which may include economic development activities.

Actions of the Energy Facility Site Evaluation Council pursuant to the transfer of the site or portions of the site are exempt from the State Environmental Policy Act.

Substitute Bill Compared to Original Bill: The original bill expanded the duties of EFSEC to include requiring certificate holders for unfinished nuclear power sites to cooperate with counties and port districts for public purposes, including the issuance of duplicative permits for adaption and reuse. The certificate holder was directed to assure that a local cooperative arrangement was established. Required elements of the local cooperative arrangement were specified, and upon establishment, the site certification agreement would be suspended to allow county regulation, with existing permits remaining in effect. EFSEC was directed to issue duplicative permits if requested and to issue a water right that would be no larger than the original right, not affect senior water rights, and that would bear the same priority date as the original water right.

An emergency clause is added.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will allow for the potential of economic development at a site with unused infrastructure. This may prevent the expenditure of millions of dollars slated to be spent on tearing down unused facilities that are being demolished only because they were originally intended to be part of a nuclear facility. Because the facility was never finished, it has never been an actual nuclear facility and is similar to most large-scale industrial facilities and should be saved.

Testimony Against: None.

Testified: PRO: Mike Daniels, Grays Harbor Co.; M.W. McWhorter, commissioner, Port of Grays Harbor; Tom Casey, commissioner, PUD #1 of Grays Harbor; Dan Sexton, WA State Assn. of Plumbers and Pipefitters; Jim Rowland, WPPSS; Charles Butros, WPPSS; Jason Zeller, EFSEC.