

1 5756-S Not Adopt 3/20/91.1587

2 SSB 5756 - S Amd to S Amd  
3 By Senator Jesernig

4 Not Adopted 3/20/91 - Roll Call 23-26

5 On page 21 of the striking amendment, at the beginning of line 19,  
6 strike sections 16, 17, 18, and 19 in their entirety and insert:

7

8 "Sec. 16. RCW 43.200.080 and 1990 c 21 s 6 are each amended to read  
10 as follows:

11 The director of ecology shall, in addition to the powers and  
12 duties otherwise imposed by law, have the following special powers  
13 and duties:

14 (1) To fulfill the responsibilities of the state under the  
15 lease between the state of Washington and the federal government  
16 executed September 10, 1964, covering one thousand acres of land  
17 lying within the Hanford reservation near Richland, Washington.  
18 The department of ecology may sublease to private or public  
19 entities all or a portion of the land for specific purposes or  
20 activities which are determined, after public hearing, to be in  
21 agreement with the terms of the lease and in the best interests of  
22 the citizens of the state consistent with any criteria that may be  
23 developed as a requirement by the legislature;

24 (2) To assume the responsibilities of the state under the  
25 perpetual care agreement between the state of Washington and the  
26 federal government executed July 29, 1965 and the sublease between  
27 the state of Washington and the site operator of the Hanford low-  
28 level radioactive waste disposal facility. In order to finance  
29 perpetual surveillance and maintenance under the agreement and  
30 ensure site closure under the sublease, the department of ecology

1 shall impose and collect fees from parties holding radioactive  
2 materials for waste management purposes. The fees shall be  
3 established by rule adopted under chapter 34.05 RCW and shall be an  
4 amount determined by the department of ecology to be necessary to  
5 defray the estimated liability of the state. Such fees shall  
6 reflect equity between the disposal facilities of this and other  
7 states. All such fees, when received by the department of ecology,  
8 shall be transmitted to the state treasurer, who shall act as  
9 custodian. The perpetual maintenance fund is created in the state  
10 treasury. The treasurer shall place the money in a special fund  
11 which may be designated the "perpetual maintenance fund." The  
12 perpetual maintenance fund shall be comprised of a site closure  
13 account and a perpetual surveillance and maintenance account. The  
14 site closure account shall be exclusively available to reimburse,  
15 to the extent that moneys are available in the account, the site  
16 operator for its costs plus a reasonable profit as agreed by the  
17 operator and the state, or to reimburse the state licensing agency  
18 and any agencies under contract to the state licensing agency for  
19 their costs in final closure and decommissioning of the Hanford  
20 low-level radioactive waste disposal facility. If a balance  
21 remains in the account after satisfactory performance of closure  
22 and decommissioning, this balance shall be transferred to the  
23 perpetual surveillance and maintenance account. The perpetual  
24 surveillance and maintenance account shall be used exclusively by  
25 the state to meet post-closure surveillance and maintenance costs,  
26 or for otherwise satisfying surveillance and maintenance  
27 obligations. Appropriations are required to permit expenditures  
28 and payment of obligations from the site closure account and the  
29 perpetual surveillance and maintenance account. Moneys which on

1 July 23, 1989, are in the perpetual maintenance account shall be  
2 transferred to the perpetual surveillance and maintenance account.  
3 All moneys currently administered by the department of ecology for  
4 closure of the Hanford low-level radioactive waste disposal  
5 facility shall be transferred to the site closure account within  
6 the perpetual maintenance fund. All future moneys, including  
7 interest, contributed to the perpetual maintenance fund shall be  
8 directed to the site closure account until December 31, 1992.  
9 Thereafter receipts shall be directed to the perpetual maintenance  
10 fund as specified by the department. Moneys in the perpetual  
11 maintenance fund shall be invested by the state investment board in  
12 the same manner as other state moneys. Any interest accruing as a  
13 result of investment shall accrue to the perpetual maintenance  
14 fund. Additional moneys specifically appropriated by the  
15 legislature or received from any public or private source may be  
16 placed in the perpetual maintenance fund;

17 (3) To collect after January 1, 1993, as an added charge on  
18 each cubic foot of waste disposed at any facility in the state a  
19 surchage of seven dollars. The surcharge shall be made  
20 specifically on the generator of the waste and shall not be  
21 considered applicable in any way to the low-level site operator's  
22 disposal activities. Five dollars of the surcharge shall be  
23 deposited in the fund created in section 17 of this act and two  
24 dollars of the surcharge shall be remitted monthly to a county in  
25 which a low-level radioactive waste disposal facility is located.

26 (4) To assure maintenance of such insurance coverage by state  
27 licensees, lessees, or sublessees as will adequately, in the  
28 opinion of the director, protect the citizens of the state against

1 nuclear accidents or incidents that may occur on privately or  
2 state-controlled nuclear facilities;

3 ((+4)) (5) To institute a user permit system and issue site  
4 use permits, consistent with regulatory practices, for generators,  
5 packagers, or brokers using the Hanford low-level radioactive waste  
6 disposal facility. The costs of administering the user permit  
7 system shall be borne by the applicants for site use permits. The  
8 site use permit fee shall be set at a level that is sufficient to  
9 fund completely the executive and legislative participation in  
10 activities related to the Northwest Interstate Compact on Low-Level  
11 Radioactive Waste Management; and

12 ((+5)) (6) To make application for or otherwise pursue any  
13 federal funds to which the state may be eligible, through the  
14 federal resource conservation and recovery act or any other federal  
15 programs, for the management, treatment or disposal, and any  
16 remedial actions, of wastes that are both radioactive and hazardous  
17 at all Hanford low-level radioactive waste disposal facilities; and

18 ((+6)) (7) To develop contingency plans for duties and  
19 options for the department and other state agencies related to the  
20 Hanford low-level radioactive waste disposal facility based on  
21 various projections of annual levels of waste disposal. These  
22 plans shall include an analysis of expected revenue to the state in  
23 various taxes and funds related to low-level radioactive waste  
24 disposal and the resulting implications that any increase or  
25 decrease in revenue may have on state agency duties or  
26 responsibilities. The initial set of plans shall be completed by  
27 October 1, 1989, and shall be updated annually. The department  
28 shall report annually on the plans and on the balances in the site  
29 closure and perpetual surveillance accounts to the energy and

1 utilities committees of the senate and the house of  
2 representatives.

3  
4 NEW SECTION. **Sec. 17.** A new section is added to chapter  
5 43.200 RCW to read as follows:

6 There is established the radioactive waste disposal host area  
7 economic development account in the state treasury. All payments  
8 received under RCW 43.200.080(3) shall be deposited in the account.  
9 Moneys in the account shall be transferred monthly to the regional  
10 revolving loan fund of an economic development district which is a  
11 component of any local government conference authorized by RCW  
12 36.64.080 that included the county or city in which a low-level  
13 radioactive waste disposal site is located. Moneys in the account  
14 may be spent without legislative appropriation. Expenditures of  
15 these moneys shall conform to applicable federal law.

16 NEW SECTION. **Sec. 18.** Sections 1, 2, and 4 through 13 of this  
17 act shall constitute a new chapter in Title 81 RCW.

18 NEW SECTION. **Sec. 19.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of  
20 the state government and its existing public institutions, and  
21 section 15 shall take effect immediately and remaining sections  
22 shall take effect July 1, 1991."