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SENATE BILL 6223

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State of Washington

53rd Legislature

1994 Regular Session

By Senator Williams

Read first time 01/17/94. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to radioactive waste; amending RCW 43.145.020 and  
2 43.200.080; adding new sections to chapter 43.06 RCW; creating a new  
3 section; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the federal  
6 system of state compacts for the disposal of low-level radioactive  
7 waste has failed to provide for the development of additional disposal  
8 sites, and that this system has resulted in an inefficient and  
9 unrealistic search for additional disposal sites with an ensuing waste  
10 of millions of dollars. The legislature further finds that this system  
11 has created incentives for the illegal disposal of wastes outside of  
12 proper disposal sites. The legislature also finds that the state has  
13 a valuable resource in the existing disposal site, and that the site  
14 has several decades of remaining capacity.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.06 RCW  
16 to read as follows:

17 The governor, or his or her designee, shall have the special powers  
18 and duties:

1 (1) To fulfill the responsibilities of the state under the lease  
2 between the state of Washington and the federal government executed  
3 September 10, 1964, covering one thousand acres of land lying within  
4 the Hanford reservation near Richland, Washington. The governor, or  
5 his or her designee, may sublease to private or public entities all or  
6 a portion of the land for specific purposes or activities that are  
7 determined, after public hearing, to be in agreement with the terms of  
8 the lease and in the best interests of the citizens of the state  
9 consistent with criteria that may be developed as a requirement by the  
10 legislature. If the federal government executes changes to the lease  
11 covering one thousand acres, the governor, or his or her designee, may  
12 terminate or execute changes to any sublease of part of the one  
13 thousand acres; and

14 (2) To operate the Hanford low-level radioactive waste disposal  
15 facility or to contract with public or private entities for the  
16 operation of the Hanford low-level radioactive waste disposal facility.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06 RCW  
18 to read as follows:

19 The governor, or his or her designee, may negotiate with a state  
20 for access to the state's facilities for the disposal of low-level  
21 radioactive waste. In considering special conditions or arrangements  
22 for access to the state's facilities from wastes generated outside of  
23 the region, the governor or his or her designee shall ensure at a  
24 minimum that the provisions of Article IV, section 3 of RCW 43.145.010  
25 are complied with.

26 **Sec. 4.** RCW 43.145.020 and 1990 c 21 s 5 are each amended to read  
27 as follows:

28 The person designated as the Washington representative to the  
29 committee as specified in Article V shall adhere to all provisions of  
30 the low-level radioactive waste compact. ~~((In considering special  
31 conditions or arrangements for access to the state's facilities from  
32 wastes generated outside of the region, the committee member shall  
33 ensure at a minimum, that the provisions of Article IV, Section 3 are  
34 complied with. After 1992 the Washington representative may approve  
35 access to the state's facility only for the states currently members of  
36 the Rocky Mountain compact or states which generate less than one~~

1 ~~thousand cubic feet of waste annually and are contiguous with a state~~  
2 ~~which is a member of the Northwest compact.))~~

3 **Sec. 5.** RCW 43.200.080 and 1991 sp.s. c 13 s 60 are each amended  
4 to read as follows:

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

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

16 ~~(2))~~ To assume the responsibilities of the state under the  
17 perpetual care agreement between the state of Washington and the  
18 federal government executed July 29, 1965 and the sublease between the  
19 state of Washington and the site operator of the Hanford low-level  
20 radioactive waste disposal facility. In order to finance perpetual  
21 surveillance and maintenance under the agreement and ensure site  
22 closure under the sublease, the department of ecology shall impose and  
23 collect fees from parties holding radioactive materials for waste  
24 management purposes. The fees shall be established by rule adopted  
25 under chapter 34.05 RCW and shall be an amount determined by the  
26 department of ecology to be necessary to defray the estimated liability  
27 of the state. Such fees shall reflect equity between the disposal  
28 facilities of this and other states. A site closure account and a  
29 perpetual surveillance and maintenance account is hereby created in the  
30 state treasury. The site closure account shall be exclusively  
31 available to reimburse, to the extent that moneys are available in the  
32 account, the site operator for its costs plus a reasonable profit as  
33 agreed by the operator and the state, or to reimburse the state  
34 licensing agency and any agencies under contract to the state licensing  
35 agency for their costs in final closure and decommissioning of the  
36 Hanford low-level radioactive waste disposal facility. If a balance  
37 remains in the account after satisfactory performance of closure and  
38 decommissioning, this balance shall be transferred to the perpetual

1 surveillance and maintenance account. The perpetual surveillance and  
2 maintenance account shall be used exclusively by the state to meet  
3 post-closure surveillance and maintenance costs, or for otherwise  
4 satisfying surveillance and maintenance obligations. Appropriations  
5 are required to permit expenditures and payment of obligations from the  
6 site closure account and the perpetual surveillance and maintenance  
7 account. All moneys, including earnings from the investment of  
8 balances in the site closure and the perpetual surveillance and  
9 maintenance account, less the allocation to the state treasurer's  
10 service (~~((account-[fund]))~~) fund, pursuant to RCW 43.08.190 accruing  
11 under the authority of this section shall be directed to the site  
12 closure account until December 31, 1992. Thereafter receipts including  
13 earnings from the investment of balances in the site closure and the  
14 perpetual surveillance and maintenance account, less the allocation to  
15 the state treasurer's service (~~((account-[fund]))~~) fund, pursuant to RCW  
16 43.08.190 shall be directed to the site closure account and the  
17 perpetual surveillance and maintenance account as specified by the  
18 department. Additional moneys specifically appropriated by the  
19 legislature or received from any public or private source may be placed  
20 in the site closure account and the perpetual surveillance and  
21 maintenance account;

22 ~~((+3))~~ (2) To assure maintenance of such insurance coverage by  
23 state licensees, lessees, or sublessees as will adequately, in the  
24 opinion of the director, protect the citizens of the state against  
25 nuclear accidents or incidents that may occur on privately or state-  
26 controlled nuclear facilities;

27 ~~((+4))~~ (3) To institute a user permit system and issue site use  
28 permits, consistent with regulatory practices, for generators,  
29 packagers, or brokers using the Hanford low-level radioactive waste  
30 disposal facility. The costs of administering the user permit system  
31 shall be borne by the applicants for site use permits. The site use  
32 permit fee shall be set at a level that is sufficient to fund  
33 completely the executive and legislative participation in activities  
34 related to the Northwest Interstate Compact on Low-Level Radioactive  
35 Waste Management;

36 ~~((+5))~~ (4) To make application for or otherwise pursue any federal  
37 funds to which the state may be eligible, through the federal resource  
38 conservation and recovery act or any other federal programs, for the  
39 management, treatment or disposal, and any remedial actions, of wastes

1 that are both radioactive and hazardous at all Hanford low-level  
2 radioactive waste disposal facilities; and

3 ~~((6))~~ (5) To develop contingency plans for duties and options for  
4 the department and other state agencies related to the Hanford low-  
5 level radioactive waste disposal facility based on various projections  
6 of annual levels of waste disposal. These plans shall include an  
7 analysis of expected revenue to the state in various taxes and funds  
8 related to low-level radioactive waste disposal and the resulting  
9 implications that any increase or decrease in revenue may have on state  
10 agency duties or responsibilities. The plans shall be updated  
11 annually. The department shall report annually on the plans and on the  
12 balances in the site closure and perpetual surveillance accounts to the  
13 energy and utilities committees of the senate and the house of  
14 representatives.

15 NEW SECTION. **Sec. 6.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and shall take  
22 effect immediately.

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