

FINAL BILL REPORT

ESSB 6427

C 4 L 96

Synopsis as Enacted

Brief Description: Using an unfinished nuclear energy facility.

Sponsors: Senate Committee on Energy, Telecommunications & Utilities (originally sponsored by Senators Snyder, Hargrove, Sutherland, Owen, Loveland and Newhouse).

Senate Committee on Energy, Telecommunications & Utilities

House Committee on Energy & Utilities

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 preempt 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, including site restoration.

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: This legislation 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 for maintaining the public welfare, specifically those responsibilities pertaining to public health and safety. If a transfer of the site or a portion of the site occurs, the Energy Facility Site Evaluation Council is directed to amend the site certification agreement.

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 right of between 10 and 20 cubic feet per second from 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.

Any action of EFSEC pursuant to the act of transferring the site or portions of the site is exempt from the State Environmental Policy Act.

Votes on Final Passage:

Senate 49 0

House 93 0

Effective: March 6, 1996