
SENATE BILL 5072

State of Washington

56th Legislature

1999 Regular Session

By Senator Morton

Read first time 01/11/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to the reclamation, closure, or decommissioning of
2 a uranium or thorium mill or tailings facility; and amending RCW
3 70.121.030.

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

5 **Sec. 1.** RCW 70.121.030 and 1979 ex.s. c 110 s 3 are each amended
6 to read as follows:

7 The Washington state department of health or any other state agency
8 may not issue any permits or grant permission to transport mill
9 tailings classified as 11e(2) waste under the federal atomic energy act
10 of 1954 (42 U.S.C. Sec. 2011 et seq.).

11 (1) Any person who proposes to operate a uranium or thorium mill
12 within the state of Washington after January 1, 1980, shall obtain a
13 license from the department to mill thorium and uranium. The period of
14 the license shall be determined by the secretary and shall be initially
15 valid for not more than two years and renewable thereafter for periods
16 of not more than five years. No license may be granted unless:

17 (a) The owner or operator of the mill submits to the department a
18 plan for reclamation and disposal of tailings and for decommissioning

1 the site that conforms to the criteria and standards then in effect for
2 the protection of the public safety and health; and

3 (b) The owner of the mill agrees to transfer or revert to the
4 appropriate state or federal agency upon termination of the license all
5 lands, buildings, and grounds, and any interests therein, necessary to
6 fulfill the purposes of this chapter except where the lands are held in
7 trust for or are owned by any Indian tribe.

8 (2) Any person operating a uranium or thorium mill on January 1,
9 1980, shall, at the time of application for renewal of his license to
10 mill thorium or uranium, comply with the following conditions for
11 continued operation of the mill:

12 (a) The owner or operator of the mill shall submit to the
13 department a plan for reclamation and disposal of tailings and for
14 decommissioning the site that conforms to the criteria and standards
15 then in effect for the protection of the public safety and health; and

16 (b) The owner of the mill shall agree to transfer or revert to the
17 appropriate state or federal agency upon termination of the license all
18 lands, buildings, and grounds, and any interests therein, necessary to
19 fulfill the purposes of this chapter except where the lands are held in
20 trust for or are owned by any Indian tribe.

21 (3) The department shall, after public notice and opportunity for
22 written comment, hold a public hearing to consider the adequacy of the
23 proposed plan to protect the safety and health of the public required
24 by subsections (1) and (2) of this section. The proceedings shall be
25 recorded and transcribed. The public hearing shall provide the
26 opportunity for cross-examination by both the department and the person
27 proposing the plan required under this section. The department shall
28 make a written determination as to the licensing of the mill which is
29 based upon the findings included in the determination and upon the
30 evidence presented during the public comment period. The determination
31 is subject to judicial review. If a declaration of nonsignificance is
32 issued for a license renewal application under rules adopted under
33 chapter 43.21C RCW, the public hearing is not required.

34 (4) The department shall set a schedule of license and amendment
35 fees predicated on the cost of reviewing the license application and of
36 monitoring for compliance with the conditions of the license. A permit
37 for construction of a uranium or thorium mill may be granted by the
38 secretary prior to licensing.

1 (5) The department shall not approve a license or the renewal of a
2 license for a uranium or thorium mine, mill, or tailings facility, if
3 the license is based on a reclamation, closure, or decommissioning that
4 involves the receipt, storage, permanent impoundment, or disposal of
5 mill tailings classified as 11e(2) waste under the federal atomic
6 energy act of 1954 (42 U.S.C. Sec. 2011 et seq.), except where the
7 radioactive materials proposed for receipt, storage, permanent
8 impoundment, or disposal, is produced at a mine associated with, and
9 under the same operator or ownership as, the licensed site or proposed
10 licensed site.

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