

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6087**

Chapter 21, Laws of 2003

58th Legislature  
2003 1st Special Session

SITE CLOSURE ACCOUNT--FUND TRANSFERS

EFFECTIVE DATE: 9/9/03

Passed by the Senate June 5, 2003  
YEAS 35 NAYS 13

BRAD OWEN

**President of the Senate**

Passed by the House June 6, 2003  
YEAS 70 NAYS 24

FRANK CHOPP

**Speaker of the House of Representatives**

Approved June 20, 2003.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6087** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

FILED

June 20, 2003 - 2:28 p.m.

**Secretary of State  
State of Washington**

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**SENATE BILL 6087**

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Passed Legislature - 2003 1st Special Session

**State of Washington                      58th Legislature                      2003 1st Special Session**

**By Senator Rossi**

Read first time 06/05/2003. Referred to .

1            AN ACT Relating to transferring funds to the site closure account;  
2 and amending RCW 43.200.080 and 70.98.098.

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

4            **Sec. 1.** RCW 43.200.080 and 1999 c 372 s 12 are each amended to  
5 read as follows:

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

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

17            (2) To assume the responsibilities of the state under the perpetual  
18 care agreement between the state of Washington and the federal  
19 government executed July 29, 1965 and the sublease between the state of

1 Washington and the site operator of the Hanford low-level radioactive  
2 waste disposal facility. In order to finance perpetual surveillance  
3 and maintenance under the agreement and ensure site closure under the  
4 sublease, the department of ecology shall impose and collect fees from  
5 parties holding radioactive materials for waste management purposes.  
6 The fees shall be established by rule adopted under chapter 34.05 RCW  
7 and shall be an amount determined by the department of ecology to be  
8 necessary to defray the estimated liability of the state. Such fees  
9 shall reflect equity between the disposal facilities of this and other  
10 states. A site closure account and a perpetual surveillance and  
11 maintenance account is hereby created in the state treasury. The site  
12 closure account shall be exclusively available to reimburse, to the  
13 extent that moneys are available in the account, the site operator for  
14 its costs plus a reasonable profit as agreed by the operator and the  
15 state, or to reimburse the state licensing agency and any agencies  
16 under contract to the state licensing agency for their costs in final  
17 closure and decommissioning of the Hanford low-level radioactive waste  
18 disposal facility. If a balance remains in the account after  
19 satisfactory performance of closure and decommissioning, this balance  
20 shall be transferred to the perpetual surveillance and maintenance  
21 account. The perpetual surveillance and maintenance account shall be  
22 used exclusively by the state to meet post-closure surveillance and  
23 maintenance costs, or for otherwise satisfying surveillance and  
24 maintenance obligations. Appropriations are required to permit  
25 expenditures and payment of obligations from the site closure account  
26 and the perpetual surveillance and maintenance account. All moneys,  
27 including earnings from the investment of balances in the site closure  
28 and the perpetual surveillance and maintenance account, less the  
29 allocation to the state treasurer's service fund, pursuant to RCW  
30 43.08.190 accruing under the authority of this section shall be  
31 directed to the site closure account until December 31, 1992.  
32 Thereafter receipts including earnings from the investment of balances  
33 in the site closure and the perpetual surveillance and maintenance  
34 account, less the allocation to the state treasurer's service fund,  
35 pursuant to RCW 43.08.190 shall be directed to the site closure account  
36 and the perpetual surveillance and maintenance account as specified by  
37 the department. Additional moneys specifically appropriated by the  
38 legislature or received from any public or private source may be placed

1 in the site closure account and the perpetual surveillance and  
2 maintenance account. During the 2003-2005 fiscal biennium, the  
3 legislature may transfer up to thirteen million eight hundred thousand  
4 dollars from the site closure account to the general fund;

5 (3)(a) Subject to the conditions in (b) of this subsection, on July  
6 1, 2008, and each July 1st thereafter, the treasurer shall transfer  
7 from the perpetual surveillance and maintenance account to the site  
8 closure account the sum of nine hundred sixty-six thousand dollars.  
9 The nine hundred sixty-six thousand dollars transferred on July 1,  
10 2009, and thereafter shall be adjusted to a level equal to the  
11 percentage increase in the United States implicit price deflator for  
12 personal consumption. The last transfer under this section shall occur  
13 on July 1, 2033.

14 (b) The transfer in (a) of this subsection shall occur only if  
15 written agreement is reached between the state department of ecology  
16 and the United States department of energy pursuant to section 6 of the  
17 perpetual care agreement dated July 29, 1965, between the United States  
18 atomic energy commission and the state of Washington. If agreement  
19 cannot be reached between the state department of ecology and the  
20 United States department of energy by June 1, 2008, the treasurer shall  
21 transfer the funds from the general fund to the site closure account  
22 according to the schedule in (a) of this subsection.

23 (c) If for any reason the Hanford low level radioactive waste  
24 disposal facility is closed to further disposal operations during or  
25 after the 2003-2005 biennium and before 2033, then the amount remaining  
26 to be repaid from the 2003-2005 transfer of thirteen million eight  
27 hundred thousand dollars from the site closure account shall be  
28 transferred by the treasurer from the general fund to the site closure  
29 account to fund the closure and decommissioning of the facility. The  
30 treasurer shall transfer to the site closure account in full the amount  
31 remaining to be repaid upon written notice from the secretary of health  
32 that the department of health has authorized closure or that disposal  
33 operations have ceased. The treasurer shall complete the transfer  
34 within sixty days of written notice from the secretary of health.

35 (d) To the extent that money in the site closure account together  
36 with the amount of money identified for repayment to the site closure  
37 account, pursuant to (a) through (c) of this subsection, equals or  
38 exceeds the cost estimate approved by the department of health for

1 closure and decommissioning of the facility, the money in the site  
2 closure account together with the amount of money identified for  
3 repayment to the site closure account shall constitute adequate  
4 financial assurance for purposes of the department of health financial  
5 assurance requirements.

6 (4) To assure maintenance of such insurance coverage by state  
7 licensees, lessees, or sublessees as will adequately, in the opinion of  
8 the director, protect the citizens of the state against nuclear  
9 accidents or incidents that may occur on privately or state-controlled  
10 nuclear facilities;

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

20 ((+5)) (6) To make application for or otherwise pursue any federal  
21 funds to which the state may be eligible, through the federal resource  
22 conservation and recovery act or any other federal programs, for the  
23 management, treatment or disposal, and any remedial actions, of wastes  
24 that are both radioactive and hazardous at all Hanford low-level  
25 radioactive waste disposal facilities; and

26 ((+6)) (7) To develop contingency plans for duties and options for  
27 the department and other state agencies related to the Hanford low-  
28 level radioactive waste disposal facility based on various projections  
29 of annual levels of waste disposal. These plans shall include an  
30 analysis of expected revenue to the state in various taxes and funds  
31 related to low-level radioactive waste disposal and the resulting  
32 implications that any increase or decrease in revenue may have on state  
33 agency duties or responsibilities. The plans shall be updated  
34 annually.

35 **Sec. 2.** RCW 70.98.098 and 1992 c 61 s 4 are each amended to read  
36 as follows:

37 (1) In making the determination of the appropriate level of

1 financial assurance, the secretary shall consider: (a) The report  
2 prepared by the department of ecology pursuant to RCW 43.200.200; (b)  
3 the potential cost of decontamination, treatment, disposal,  
4 decommissioning, and cleanup of facilities or equipment; (c) federal  
5 cleanup and decommissioning requirements; and (d) the legal defense  
6 cost, if any, that might be paid from the required financial assurance.

7 (2) The secretary may establish different levels of required  
8 financial assurance for various classes of permit or license holders.

9 (3) The secretary shall establish by rule the instruments or mecha-  
10 nisms by which a person may demonstrate financial assurance as required  
11 by RCW 70.98.095.

12 (4) To the extent that money in the site closure account together  
13 with the amount of money identified for repayment to the site closure  
14 account pursuant to RCW 43.200.080 equals or exceeds the cost estimate  
15 approved by the department of health for closure and decommissioning of  
16 the Hanford low-level radioactive waste disposal facility, the money in  
17 the site closure account together with the amount of money identified  
18 for repayment to the site closure account shall constitute adequate  
19 financial assurance for purposes of the department of health financial  
20 assurance requirements under RCW 70.98.095.

Passed by the Senate June 5, 2003.

Passed by the House June 6, 2003.

Approved by the Governor June 20, 2003.

Filed in Office of Secretary of State June 20, 2003.