

By Representative Grant

1 **SHB 2031 - H AMD 167 Adopted 3-19-91**

2 By Representatives Grant and Bray

3 On page 22, at the beginning of line 3, strike section 16 in
4 entirety and insert:

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

7 Additional powers and duties of director--Perpetual
8 maintenance fund. The director of ecology shall, in addition to
9 the powers and duties otherwise imposed by law, have the following
10 special powers and duties:

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

21 (2) To assume the responsibilities of the state under the
22 perpetual care agreement between the state of Washington and the

1 federal government executed July 29, 1965 and the sublease between
2 the state of Washington and the site operator of the Hanford low-
3 level radioactive waste disposal facility. In order to finance
4 perpetual surveillance and maintenance under the agreement and
5 ensure site closure under the sublease, the department of ecology
6 shall impose and collect fees from parties holding radioactive
7 materials for waste management purposes. The fees shall be
8 established by rule adopted under chapter 34.05 RCW and shall be an
9 amount determined by the department of ecology to be necessary to
10 defray the estimated liability of the state. Such fees shall
11 reflect equity between the disposal facilities of this and other
12 states. All such fees, when received by the department of ecology,
13 shall be transmitted to the state treasurer, who shall act as
14 custodian. The perpetual maintenance fund is created in the state
15 treasury. The treasurer shall place the money in a special fund
16 which may be designated the "perpetual maintenance fund." The
17 perpetual maintenance fund shall be comprised of a site closure
18 account and a perpetual surveillance and maintenance account. The
19 site closure account shall be exclusively available to reimburse,
20 to the extent that moneys are available in the account, the site
21 operator for its costs plus a reasonable profit as agreed by the
22 operator and the state, or to reimburse the state licensing agency
23 and any agencies under contract to the state licensing agency for
24 their costs in final closure and decommissioning of the Hanford
25 low-level radioactive waste disposal facility. If a balance
26 remains in the account after satisfactory performance of closure

1 and decommissioning, this balance shall be transferred to the
2 perpetual surveillance and maintenance account. The perpetual
3 surveillance and maintenance account shall be used exclusively by
4 the state to meet post-closure surveillance and maintenance costs,
5 or for otherwise satisfying surveillance and maintenance
6 obligations. Appropriations are required to permit expenditures
7 and payment of obligations from the site closure account and the
8 perpetual surveillance and maintenance account. Moneys which on
9 July 23, 1989, are in the perpetual maintenance account shall be
10 transferred to the perpetual surveillance and maintenance account.
11 All moneys currently administered by the department of ecology for
12 closure of the Hanford low-level radioactive waste disposal
13 facility shall be transferred to the site closure account within
14 the perpetual maintenance fund. All future moneys, including
15 interest, contributed to the perpetual maintenance fund shall be
16 directed to the site closure account until December 31, 1992.
17 Thereafter receipts shall be directed to the perpetual maintenance
18 fund as specified by the department. Moneys in the perpetual
19 maintenance fund shall be invested by the state investment board in
20 the same manner as other state moneys. Any interest accruing as a
21 result of investment shall accrue to the perpetual maintenance
22 fund. Additional moneys specifically appropriated by the
23 legislature or received from any public or private source may be
24 placed in the perpetual maintenance fund;

25 (3) To collect after January 1, 1993 as an added charge on

1 each cubic foot of waste disposed at any facility in the state a
2 surcharge of seven dollars. The surcharge shall be made
3 specifically on the generator of the waste and shall not be
4 considered applicable in any way to the low-level site operator's
5 disposal activities. Five dollars of the surcharge shall be
6 deposited in the fund created in section 17 of this act and two
7 dollars of the surcharge shall be remitted monthly to a county in
8 which a low-level radioactive waste disposal facility is located.

9 (4)((3)) To assure maintenance of such insurance coverage by
10 state licensees, lessees, or sublessees as will adequately, in the
11 opinion of the director, protect the citizens of the state against
12 nuclear accidents or incidents that may occur on privately or
13 state-controlled nuclear facilities;

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

23 (6)((5)) To make application for or otherwise pursue any
24 federal funds to which the state may be eligible, through the
25 federal resource conservation and recovery act or any other federal

1 programs, for the management, treatment or disposal, and any
2 remedial actions, of wastes that are both radioactive and hazardous
3 at all Hanford low-level radioactive waste disposal facilities; and
4 (7)~~((6))~~ To develop contingency plans for duties and options
5 for the department and other state agencies related to the Hanford
6 low-level radioactive waste disposal facility based on various
7 projections of annual levels of waste disposal. These plans shall
8 include an analysis of expected revenue to the state in various
9 taxes and funds related to low-level radioactive waste disposal and
10 the resulting implications that any increase or decrease in revenue
11 may have on state agency duties or responsibilities. The initial
12 set of plans shall be completed by October 1, 1989, and shall be
13 updated annually. The department shall report annually on the
14 plans and on the balances in the site closure and perpetual
15 surveillance accounts to the energy and utilities committees of the
16 senate and the house of representatives."

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3 On page 23, line 5, after "RCW" strike "43.145.020" and insert
4 "43.200.080"

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3 On page 23, line 6, after "to" strike "a" and insert "the"

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3 On page 23, line 7, after "of" strike "the" and insert "an
4 economic development district which is a component of any"

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3 On page 23, at the beginning of line 12, strike section 18 in
4 entirety.

5 Renumber succeeding sections

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3 On page 1, line 2 of the title, after "and" strike
4 "43.145.020" and insert "43.200.080"

EFFECT: The imposition of the surcharge is shifted from chapter 43.145 RCW (Northwest Interstate Compact on low-level radioactive waste) to chapter 43.200 RCW (A more general chapter on state roles in the management of the disposal of low-level radioactive waste). Additionally, the destination of the surcharge receipts is more specifically stated. The audit of the radioactive waste disposal host area account is deleted because that account is simply a holding point for further transfer of funds to the regional revolving loan fund. Revolving fund management requirements are specified by federal law.