

**SENATE BILL REPORT**

**SSB 6475**

**AS PASSED SENATE, FEBRUARY 18, 1992**

**Brief Description:** Declaring that the state has no regulatory authority over federally owned or licensed hydro projects.

**SPONSORS:** Senate Committee on Energy & Utilities (originally sponsored by Senators Saling, Snyder, Stratton, Thorsness, Patterson, Nelson, McDonald and Amondson)

**SENATE COMMITTEE ON ENERGY & UTILITIES**

**Majority Report:** That Substitute Senate Bill No. 6475 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thorsness, Chairman; Saling, Vice Chairman; Jesernig, Nelson, Roach, Stratton, Sutherland, and Williams.

**Staff:** Phil Moeller (786-7445)

**Hearing Dates:** February 4, 1992; February 7, 1992

**BACKGROUND:**

The Federal Energy Regulatory Commission (FERC) is authorized to issue licenses for the construction of all federally sanctioned hydroelectric projects. Pursuant to this authority, FERC issues regulations and conducts inspections to ensure dam safety. While the federal power act does not explicitly preempt state health and safety regulations regarding federally sanctioned dams, there is some evidence that the federal government sought to occupy the regulatory field concerning these projects. There is concern that the state may be duplicating the efforts of federal government in the inspection of some of these facilities.

**SUMMARY:**

The powers of the Director of the Department of Ecology are modified to exclude the authority to inspect or approve dam construction, modification, or operation if the dam or facility is licensed under the federal power act.

The Department of Ecology reacquires dam-related authority if the federal government grants these jurisdictional powers. The Department of Ecology retains the authority to review or comment on dam-related reports, plans or specifications.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested February 4, 1992

**TESTIMONY FOR:**

This legislation is needed to prevent duplicative inspection programs.

**TESTIMONY AGAINST:**

The bill is too extreme in limiting state authority to regulate dams.

**TESTIFIED:** Amy Bell, Washington State Energy Office; Keli Covin (pro); Bob Crump, Washington PUD Association (pro); Garth Jackson, Tacoma City Light (pro); Collins Sprague, Washington Water Power (pro); Heidi Adelsman, Department of Ecology (con); Ron Newbry, Pacificorp (pro); Mel Schaefer, Department of Ecology (con)