
SENATE BILL 5372

State of Washington

55th Legislature

1997 Regular Session

By Senators Finkbeiner, Brown, Hochstatter, Strannigan and Rossi; by request of Utilities & Transportation Commission

Read first time 01/24/97. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to low-level radioactive waste disposal sites; and
2 amending RCW 81.108.050.

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

4 **Sec. 1.** RCW 81.108.050 and 1991 c 272 s 6 are each amended to read
5 as follows:

6 (1) The maximum disposal rates that a site operator may charge
7 generators shall be determined in accordance with this section. The
8 rates shall include all charges for disposal services at the site.

9 (2) Initially, the maximum disposal rates shall be the initial
10 rates established pursuant to RCW 81.108.040.

11 (3) Subsequently, the maximum disposal rates shall be adjusted
12 (~~semiannually~~) in January (~~and July~~) of each year to incorporate
13 inflation and volume adjustments. Such adjustments shall take effect
14 thirty days after filing with the commission unless the commission
15 authorizes that the adjustments take effect earlier, or the commission
16 contests the calculation of the adjustments, in which case the
17 commission may suspend the filing. A site operator shall provide
18 notice to its customers concurrent with the filing.

1 (4)(a) Subsequently, a site operator may also file for revisions to
2 the maximum disposal rates due to:

3 (i) Changes in any governmentally imposed fee, surcharge, or tax
4 assessed on a volume or a gross revenue basis against or collected by
5 the site operator, including site closure fees, perpetual care and
6 maintenance fees, business and occupation taxes, site surveillance
7 fees, leasehold excise taxes, commission regulatory fees, municipal
8 taxes, and a tax or payment in lieu of taxes authorized by the state to
9 compensate the county in which a site is located for that county's
10 legitimate costs arising out of the presence of that site within that
11 county; or

12 (ii) Factors outside the control of the site operator such as a
13 material change in regulatory requirements regarding the physical
14 operation of the site.

15 (b) Revisions to the maximum disposal rate shall take effect thirty
16 days after filing with the commission unless the commission suspends
17 the filing or authorizes the proposed adjustments to take effect
18 earlier.

19 (5) Upon establishment of a contract rate pursuant to RCW
20 81.108.060 for a disposal fee, the site operator may not collect a
21 disposal fee that is greater than the effective rate. The effective
22 rate shall be in effect so long as such contract rate remains in
23 effect. Adjustments to the maximum disposal rates may be made during
24 the time an effective rate is in place. Contracts for disposal of
25 extraordinary volumes pursuant to RCW 81.108.070 shall not be
26 considered in determining the effective rate.

27 (6) The site operator may petition the commission for new maximum
28 disposal rates at any time. Upon receipt of such a petition, the
29 commission shall set the matter for hearing and shall issue an order
30 within seven months of the filing of the petition. The petition shall
31 be accompanied by the documents required to accompany the filing for
32 initial rates. The hearing on the petition shall be conducted in
33 accordance with the commission's rules of practice and procedure.

34 (7) This section shall only take effect following a finding that
35 the site operator is a monopoly pursuant to RCW 81.108.100.

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