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**SUBSTITUTE SENATE BILL 6170**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Agriculture & Environment (originally sponsored by Senators Morton and Brown)

Read first time 02/04/98.

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

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

17       (b) The owner of the mill agrees to transfer or revert to the  
18 appropriate state or federal agency upon termination of the license all  
19 lands, buildings, and grounds, and any interests therein, necessary to

1 fulfill the purposes of this chapter except where the lands are held in  
2 trust for or are owned by any Indian tribe.

3 (2) Any person operating a uranium or thorium mill on January 1,  
4 1980, shall, at the time of application for renewal of his license to  
5 mill thorium or uranium, comply with the following conditions for  
6 continued operation of the mill:

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

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

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

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

34 (5) The department shall not approve a license or the renewal of a  
35 license for a uranium or thorium mine, mill, or tailings facility, if  
36 the license is based on a reclamation, closure, or decommissioning that  
37 involves the receipt, storage, permanent impoundment, or disposal of  
38 radioactive materials, including uranium or thorium mill tailings and  
39 byproduct material, at a licensed site or proposed licensed site as

1 defined by rule of the department, except where the radioactive  
2 materials proposed for receipt, storage, permanent impoundment, or  
3 disposal, including uranium or thorium mill tailings and byproduct  
4 material, is produced at a mine associated with, and under the same  
5 operator or ownership as, the licensed site or proposed licensed site.

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