

House Bill Analysis

HB 2644

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February
1, 2000

BACKGROUND:

The Energy Facility Site Evaluation Council (EFSEC) developed recommendations for approving energy facility site certification agreements for several proposed nuclear reactor projects owned by the Washington Public Power Supply System during the 1970's. These agreements were subsequently approved. Once a site certification agreement is approved, any other provision of law regarding land use is preempted. Only one nuclear plant was completed.

In 1996 the Legislature authorized the transfer of site restoration responsibilities for unfinished nuclear reactor sites from the Washington Public Power Supply System to a political subdivision or subdivisions of the state. This authority only extended to nuclear power projects that are not located on federal property. Two unfinished reactors located in Grays Harbor County were transferred pursuant to this authority to a local public development district composed of Grays Harbor County and the Grays Harbor Public Utility District.

If site restoration responsibility is transferred to a political subdivision, all responsibilities for maintaining the public welfare, including health and safety, are transferred. If a transfer of existing surface water rights from the project for site restoration is not possible under existing statutes and rules, the Department of Ecology is required within six months of a transfer of responsibility to create a trust water right containing between ten and twenty cubic feet per second to the political subdivision assuming responsibility for site restoration. The trust water right must be used to fulfill site restoration responsibilities, including economic development. The trust water right must be from existing water rights from within the basin where the site is located.

When all or a portion of a site is transferred from a certificate holder to a political subdivision of the state, must amend the site certification agreement to release those portions of the site that are transferred. EFSEC actions pertaining to the transfer of all or a portion of a site are exempt from State Environmental Policy Act (SEPA) review.

SUMMARY:

The restriction on transferring site restoration responsibilities for unfinished nuclear reactor sites located on federal property to a political subdivision of the state is removed. If all or a portion of a site is transferred after September 1, 1999, the political subdivision must comply

with all applicable provisions of the Growth Management Act.

The requirements for the Department of Ecology to establish a trust water right for the political subdivision assuming the responsibilities for site restoration remain unchanged for any transfers that occurred before September 1, 1999. For transfers of site restoration responsibility after that date, the Department of Ecology is required to reinstate any authorization under the site certification agreement for the use of water as a municipal permit. The permit must bear the same date as the issuance of the site certification agreement for an amount of water up to fifteen cubic feet per second for the use of the political subdivision assuming site restoration responsibility. The certificate holder is required to assign the permit to the political subdivision, and the Department of Ecology regulates the permit.

The political subdivision receiving a municipal water permit after the transfer of all or a portion of a site must comply with the Department of Ecology's and the Department of Health's conservation and demand projection guidelines, and must consider source and customer metering, meter testing and repair, leak detection and repair, as well as additional data collection as part of its water conservation program. Where practicable, the political subdivision must implement these conservation measures.

Appropriation: None

Fiscal Note: Not requested

Effective Date: Ninety days after adjournment of regular session.