

SENATE BILL REPORT

SHB 2644

As Reported By Senate Committee On:
Energy, Technology & Telecommunications, February 24, 2000

Title: An act relating to the restoration and redevelopment of unfinished nuclear power project sites for purposes of economic development, providing for sufficient water supply for restoration and redevelopment of such sites.

Brief Description: Restoring unfinished nuclear power sites.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Delvin, Grant, Hankins, Linville and G. Chandler).

Brief History:

Committee Activity: Energy, Technology & Telecommunications: 2/17/2000, 2/24/2000 [DPA].

SENATE COMMITTEE ON ENERGY, TECHNOLOGY & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Brown, Chair; Goings, Vice Chair; Fraser, Hochstatter and Roach.

Staff: Andrea McNamara (786-7483)

Background: During the 1970's, the Energy Facility Site Evaluation Council (EFSEC) certified several proposed nuclear reactor projects owned by the Washington Public Power Supply System (Supply System), now called Energy Northwest. Once a site certification agreement is approved, any other provision of law regarding land use is preempted. Only one plant was completed.

In 1996, the Legislature authorized the transfer of site restoration responsibilities for unfinished reactor sites from the 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 at the Satsop site in Grays Harbor County (WNP-3 and WNP-5) were subsequently transferred to a local public development district consisting of Grays Harbor County and Grays Harbor Public Utility District.

The 1996 legislation included a number of terms and conditions for the transfers, including: (1) requiring that responsibility for public health, safety, and welfare must be transferred at the same time as any interest in the site; (2) specifying procedures for transferring existing surface water rights administratively or through a water right trust containing between 10 and 20 cubic feet per second administered by the Department of Ecology; (3) requiring that the water trust be used only to fulfill site restoration responsibilities, including economic development, and must come from existing water rights within the basic where the site is located; and (4) exempting EFSEC activities regarding the actual transfer of a portion or all of a site from the State Environmental Policy Act.

Summary of Amended Bill: 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 property is to be transferred to a political subdivision of the state, all portions of the site that are no longer intended for the development of an energy facility must be included in the transfer. Responsibility for maintaining the public health, safety, and welfare must be transferred for an entire site located on federal land.

A definition of "political subdivision of the state" is added to clarify that it means a city, town, county, public utility district, port district, or joint operating agency.

Amended Bill Compared to Substitute Bill: The amended bill clarifies that responsibility for public health, safety, and welfare must be transferred for an entire site located on federal land (rather than just for a portion) and deletes references to complying with the Growth Management Act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill provides a good way to make use of the unfinished nuclear sites at Hanford. The Benton Redevelopment Initiative (BRI) is working with the Department of Ecology to explore three options for getting water for the site and is hopeful that one of them will work out in the near future.

Concerns (with House version): Clarification is needed to ensure that responsibility for public health and safety is assumed by BRI for both portions of the Hanford site (WNP-1 and WNP-4) and that the state is not left with liability but no funding to maintain or restore WNP-4.

Testimony Against: None.

Testified: PRO: Representative Delvin, prime sponsor; Dave Arbaugh, Benton Redevelopment Initiative; Jim Rowland, Energy Northwest; Allen Fiksdal, Energy Facility Site Evaluation Council.