

SENATE BILL REPORT

SB 6505

As Reported By Senate Committee On:
Energy, Technology & Telecommunications, February 3, 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: Senators Hale, Loveland, Honeyford and Snyder.

Brief History:

Committee Activity: Energy, Technology & Telecommunications: 2/1/2000, 2/3/2000 [DPS].

SENATE COMMITTEE ON ENERGY, TECHNOLOGY & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 6505 be substituted therefor, and the substitute bill do pass.

Signed by Senators Brown, Chair; Fairley, Fraser, Hochstatter, Roach and Rossi.

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, now called Energy Northwest. 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. 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 applied only to unfinished nuclear power projects that are not located on federal land, and 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 administered by the Department of Ecology; (3) requiring that the water trust be used only to fulfill site restoration responsibilities, including economic development; 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 Substitute Bill: The limitation restricting transfers only to unfinished nuclear projects that are not located on federal lands is removed. The "political subdivisions" that

may receive transfer of an unfinished nuclear project are defined to include cities, counties, port districts, and public utility districts.

The Energy Facility Site Evaluation Council must amend a certification agreement to transfer only those portions of a site it finds are no longer intended for the development of an energy facility. The transfer must include transferring responsibility for maintaining the public health, safety, and welfare for an entire site (rather than just a portion).

Substitute Bill Compared to Original Bill: The substitute restores current law conditions for the transfers and deletes all provisions related to reinstating earlier authorization for water use, compliance with GMA, and compliance with conservation and demand projection guidelines. The substitute also adds a definition of "political subdivisions." The substitute requires responsibility for maintaining public, health, safety, and welfare to be transferred for an entire site even if the political subdivisions receive only a portion of the site.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Satsop redevelopment project has been a great success and provides a good model for redeveloping the unfinished nuclear sites at Hanford. There is strong community support to invest in redeveloping the sites rather than spending considerable money to demolish the existing infrastructure.

Testimony Against (original bill): Granting a water right through legislation instead of the existing application process would be unprecedented and invite a flood of pleas from others who want to bypass the requirements of existing water law. The water use authorization in the original site certification agreement does not constitute a vested, transferrable water right and converting into a municipal water permit would be inappropriate. If only WNP-1 is transferred, the state may be left with no money and potential liability for restoring WNP-4 and protecting the public health and safety at the remaining site.

Testified: PRO: Senator Hale, Senator Loveland, prime sponsors; Dave Arbault, Benton Redev. Init.; Leo Bowman, Ben Floyd, Benton County; Jerry Greenfield, Stan Arly, City of Richland; Jim Rowland, Energy Northwest; Deb Ross, EFSEC (neutral); Judy Turpin, Washington Environmental Council (con).