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HOUSE BILL 2644

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Delvin, Grant, Hankins, Linville and G. Chandler

Read first time 01/18/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the restoration and redevelopment of unfinished  
2 nuclear power project sites for purposes of economic development,  
3 providing for sufficient water supply for restoration and redevelopment  
4 of such sites; and amending RCW 80.50.300.

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

6 **Sec. 1.** RCW 80.50.300 and 1996 c 4 s 2 are each amended to read as  
7 follows:

8 (1) This section applies only to unfinished nuclear power projects  
9 (~~that are not located on federal property~~). If a certificate holder  
10 stops construction of a nuclear energy facility before completion,  
11 terminates the project or otherwise resolves not to complete  
12 construction, never introduces or stores fuel for the energy facility  
13 on the site, and never operates the energy facility as designed to  
14 produce energy, the certificate holder may contract, establish  
15 interlocal agreements, or use other formal means to effect the transfer  
16 of site restoration responsibilities, which may include economic  
17 development activities, to any political subdivision or subdivisions of  
18 the state composed of elected officials. The contracts, interlocal  
19 agreements, or other formal means of cooperation may include, but are

1 not limited to provisions effecting the transfer or conveyance of  
2 interests in the site and energy facilities from the certificate holder  
3 to other political subdivisions of the state, including costs of  
4 maintenance and security, capital improvements, and demolition and  
5 salvage of the unused energy facilities and infrastructure.

6 (2) If a certificate holder transfers all or a portion of the site  
7 to a political subdivision or subdivisions of the state composed of  
8 elected officials and located in the same county as the site, the  
9 council shall amend the site certification agreement to release those  
10 portions of the site that are transferred pursuant to this section.  
11 For all or a portion of sites that have been transferred to a political  
12 subdivision or subdivisions after September 1, 1999, the following  
13 conditions also apply:

14 (a) The department of ecology shall reinstate any authorization  
15 under the site certification agreement for the use of water as a  
16 municipal permit in good standing and bearing the same date as the  
17 issuance of the site certification agreement for an amount of water up  
18 to fifteen cubic feet per second as requested by, and for use by, the  
19 political subdivision or subdivisions receiving a transfer of all or a  
20 portion of the site. The certificate holder shall assign such permit  
21 to the political subdivision or subdivisions receiving transfer of all  
22 or a portion of the site;

23 (b) The political subdivision or subdivisions of the state  
24 receiving transfer of all or a portion of the site shall comply with  
25 applicable provisions of chapter 36.70A RCW; and

26 (c) The political subdivision or subdivisions receiving a transfer  
27 of all or a portion of the site shall comply with the department of  
28 ecology and the department of health's conservation and demand  
29 projection guidelines, and shall consider such measures as source and  
30 customer metering, meter testing and repair, and leak detection and  
31 repair, as well as additional data collection as part of its water  
32 conservation program, and shall implement such measures where  
33 reasonably practicable.

34 Immediately upon release of all or a portion of the site pursuant  
35 to this section, all responsibilities for maintaining the public  
36 welfare for portions of the site transferred, including but not limited  
37 to health and safety, are transferred to the political subdivision or  
38 subdivisions of the state. However, for all or a portion of sites that  
39 have been transferred to a political subdivision or subdivisions after

1 September 1, 1999, the department of ecology shall regulate the  
2 reinstated water permit according to applicable law.

3 (3) The legislature finds that for all or a portion of sites that  
4 have been transferred to a political subdivision or subdivisions prior  
5 to September 1, 1999, ensuring water for site restoration including  
6 economic development, completed pursuant to this section can best be  
7 accomplished by a transfer of existing surface water rights, and that  
8 such a transfer is best accomplished administratively through  
9 procedures set forth in existing statutes and rules. However, if a  
10 transfer of water rights is not possible, the department of ecology  
11 shall, within six months of the transfer of the site or portion thereof  
12 pursuant to subsection (1) of this section, create a trust water right  
13 under chapter 90.42 RCW containing between ten and twenty cubic feet  
14 per second for the benefit of the appropriate political subdivision or  
15 subdivisions of the state. The trust water right shall be used in  
16 fulfilling site restoration responsibilities, including economic  
17 development. The trust water right shall be from existing valid water  
18 rights within the basin where the site is located.

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