

CERTIFICATION OF ENROLLMENT

SENATE BILL 6087

58th Legislature
2003 1st Special Session

Passed by the Senate June 5, 2003
YEAS 35 NAYS 13

President of the Senate

Passed by the House June 6, 2003
YEAS 70 NAYS 24

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 6087 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6087

Passed Legislature - 2003 1st Special Session

State of Washington 58th Legislature 2003 1st Special Session

By Senator Rossi

Read first time 06/05/2003. Referred to .

1 AN ACT Relating to transferring funds to the site closure account;
2 and amending RCW 43.200.080 and 70.98.098.

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

4 **Sec. 1.** RCW 43.200.080 and 1999 c 372 s 12 are each amended to
5 read as follows:

6 The director of ecology shall, in addition to the powers and duties
7 otherwise imposed by law, have the following special powers and duties:

8 (1) To fulfill the responsibilities of the state under the lease
9 between the state of Washington and the federal government executed
10 September 10, 1964, covering one thousand acres of land lying within
11 the Hanford reservation near Richland, Washington. The department of
12 ecology may sublease to private or public entities all or a portion of
13 the land for specific purposes or activities which are determined,
14 after public hearing, to be in agreement with the terms of the lease
15 and in the best interests of the citizens of the state consistent with
16 any criteria that may be developed as a requirement by the legislature;

17 (2) To assume the responsibilities of the state under the perpetual
18 care agreement between the state of Washington and the federal
19 government executed July 29, 1965 and the sublease between the state of

1 Washington and the site operator of the Hanford low-level radioactive
2 waste disposal facility. In order to finance perpetual surveillance
3 and maintenance under the agreement and ensure site closure under the
4 sublease, the department of ecology shall impose and collect fees from
5 parties holding radioactive materials for waste management purposes.
6 The fees shall be established by rule adopted under chapter 34.05 RCW
7 and shall be an amount determined by the department of ecology to be
8 necessary to defray the estimated liability of the state. Such fees
9 shall reflect equity between the disposal facilities of this and other
10 states. A site closure account and a perpetual surveillance and
11 maintenance account is hereby created in the state treasury. The site
12 closure account shall be exclusively available to reimburse, to the
13 extent that moneys are available in the account, the site operator for
14 its costs plus a reasonable profit as agreed by the operator and the
15 state, or to reimburse the state licensing agency and any agencies
16 under contract to the state licensing agency for their costs in final
17 closure and decommissioning of the Hanford low-level radioactive waste
18 disposal facility. If a balance remains in the account after
19 satisfactory performance of closure and decommissioning, this balance
20 shall be transferred to the perpetual surveillance and maintenance
21 account. The perpetual surveillance and maintenance account shall be
22 used exclusively by the state to meet post-closure surveillance and
23 maintenance costs, or for otherwise satisfying surveillance and
24 maintenance obligations. Appropriations are required to permit
25 expenditures and payment of obligations from the site closure account
26 and the perpetual surveillance and maintenance account. All moneys,
27 including earnings from the investment of balances in the site closure
28 and the perpetual surveillance and maintenance account, less the
29 allocation to the state treasurer's service fund, pursuant to RCW
30 43.08.190 accruing under the authority of this section shall be
31 directed to the site closure account until December 31, 1992.
32 Thereafter receipts including earnings from the investment of balances
33 in the site closure and the perpetual surveillance and maintenance
34 account, less the allocation to the state treasurer's service fund,
35 pursuant to RCW 43.08.190 shall be directed to the site closure account
36 and the perpetual surveillance and maintenance account as specified by
37 the department. Additional moneys specifically appropriated by the
38 legislature or received from any public or private source may be placed

1 in the site closure account and the perpetual surveillance and
2 maintenance account. During the 2003-2005 fiscal biennium, the
3 legislature may transfer up to thirteen million eight hundred thousand
4 dollars from the site closure account to the general fund;

5 (3)(a) Subject to the conditions in (b) of this subsection, on July
6 1, 2008, and each July 1st thereafter, the treasurer shall transfer
7 from the perpetual surveillance and maintenance account to the site
8 closure account the sum of nine hundred sixty-six thousand dollars.
9 The nine hundred sixty-six thousand dollars transferred on July 1,
10 2009, and thereafter shall be adjusted to a level equal to the
11 percentage increase in the United States implicit price deflator for
12 personal consumption. The last transfer under this section shall occur
13 on July 1, 2033.

14 (b) The transfer in (a) of this subsection shall occur only if
15 written agreement is reached between the state department of ecology
16 and the United States department of energy pursuant to section 6 of the
17 perpetual care agreement dated July 29, 1965, between the United States
18 atomic energy commission and the state of Washington. If agreement
19 cannot be reached between the state department of ecology and the
20 United States department of energy by June 1, 2008, the treasurer shall
21 transfer the funds from the general fund to the site closure account
22 according to the schedule in (a) of this subsection.

23 (c) If for any reason the Hanford low level radioactive waste
24 disposal facility is closed to further disposal operations during or
25 after the 2003-2005 biennium and before 2033, then the amount remaining
26 to be repaid from the 2003-2005 transfer of thirteen million eight
27 hundred thousand dollars from the site closure account shall be
28 transferred by the treasurer from the general fund to the site closure
29 account to fund the closure and decommissioning of the facility. The
30 treasurer shall transfer to the site closure account in full the amount
31 remaining to be repaid upon written notice from the secretary of health
32 that the department of health has authorized closure or that disposal
33 operations have ceased. The treasurer shall complete the transfer
34 within sixty days of written notice from the secretary of health.

35 (d) To the extent that money in the site closure account together
36 with the amount of money identified for repayment to the site closure
37 account, pursuant to (a) through (c) of this subsection, equals or
38 exceeds the cost estimate approved by the department of health for

1 closure and decommissioning of the facility, the money in the site
2 closure account together with the amount of money identified for
3 repayment to the site closure account shall constitute adequate
4 financial assurance for purposes of the department of health financial
5 assurance requirements.

6 (4) To assure maintenance of such insurance coverage by state
7 licensees, lessees, or sublessees as will adequately, in the opinion of
8 the director, protect the citizens of the state against nuclear
9 accidents or incidents that may occur on privately or state-controlled
10 nuclear facilities;

11 ((+4)) (5) To institute a user permit system and issue site use
12 permits, consistent with regulatory practices, for generators,
13 packagers, or brokers using the Hanford low-level radioactive waste
14 disposal facility. The costs of administering the user permit system
15 shall be borne by the applicants for site use permits. The site use
16 permit fee shall be set at a level that is sufficient to fund
17 completely the executive and legislative participation in activities
18 related to the Northwest Interstate Compact on Low-Level Radioactive
19 Waste Management;

20 ((+5)) (6) To make application for or otherwise pursue any federal
21 funds to which the state may be eligible, through the federal resource
22 conservation and recovery act or any other federal programs, for the
23 management, treatment or disposal, and any remedial actions, of wastes
24 that are both radioactive and hazardous at all Hanford low-level
25 radioactive waste disposal facilities; and

26 ((+6)) (7) To develop contingency plans for duties and options for
27 the department and other state agencies related to the Hanford low-
28 level radioactive waste disposal facility based on various projections
29 of annual levels of waste disposal. These plans shall include an
30 analysis of expected revenue to the state in various taxes and funds
31 related to low-level radioactive waste disposal and the resulting
32 implications that any increase or decrease in revenue may have on state
33 agency duties or responsibilities. The plans shall be updated
34 annually.

35 **Sec. 2.** RCW 70.98.098 and 1992 c 61 s 4 are each amended to read
36 as follows:

37 (1) In making the determination of the appropriate level of

1 financial assurance, the secretary shall consider: (a) The report
2 prepared by the department of ecology pursuant to RCW 43.200.200; (b)
3 the potential cost of decontamination, treatment, disposal,
4 decommissioning, and cleanup of facilities or equipment; (c) federal
5 cleanup and decommissioning requirements; and (d) the legal defense
6 cost, if any, that might be paid from the required financial assurance.

7 (2) The secretary may establish different levels of required
8 financial assurance for various classes of permit or license holders.

9 (3) The secretary shall establish by rule the instruments or mecha-
10 nisms by which a person may demonstrate financial assurance as required
11 by RCW 70.98.095.

12 (4) To the extent that money in the site closure account together
13 with the amount of money identified for repayment to the site closure
14 account pursuant to RCW 43.200.080 equals or exceeds the cost estimate
15 approved by the department of health for closure and decommissioning of
16 the Hanford low-level radioactive waste disposal facility, the money in
17 the site closure account together with the amount of money identified
18 for repayment to the site closure account shall constitute adequate
19 financial assurance for purposes of the department of health financial
20 assurance requirements under RCW 70.98.095.

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