

SENATE BILL REPORT

SB 5949

As of February 24, 2005

Title: An act relating to the restoration and redevelopment of unfinished nuclear power project sites for the purposes of creating an electrical generating energy park.

Brief Description: Regarding the restoration and redevelopment of unfinished nuclear power project sites for the purposes of creating an electrical generating energy park.

Sponsors: Senators Delvin and Berkey.

Brief History:

Committee Activity: Water, Energy & Environment: 2/22/05.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: William Bridges (786-7424)

Background: The Energy Facility Site Evaluation Council (EFSEC) is the one-stop permitting and certificating authority for the siting of major energy facilities in Washington. Approved facilities are issued site certification agreements, which list the conditions for constructing and operating the projects. EFSEC has regulations for amending and terminating site certification agreements.

EFSEC does not have the authority to issue water right permits. It does, however, have the exclusive authority to specify the operational conditions of a project, which may include an authorization to use water.

In the 1970s, EFSEC certified five nuclear power projects owned by the Washington Public Power Supply System (Supply System), now called Energy Northwest. Two projects were located in Satsop and three in Hanford. Only one project was ever completed: WNP-2 in Hanford, later renamed the Columbia Generating Station.

In 1996, the legislature authorized the transfer of the Satsop site restoration responsibilities from the Supply System to a local public development district. The legislation included a process for transferring surface water rights to the district. According to the legislation, water rights were best transferred using existing statutes and administrative rules. If an administrative transfer was not possible, the legislation required the Department of Ecology to create a trust water right for the benefit of the public development district.

The water for redeveloping the Satsop sites was subsequently obtained by a transfer from the City of Aberdeen. The process created in 1996 to transfer water rights at Satsop is no longer in effect.

The site certification agreement for the two unfinished sites at Hanford is still in effect. The certificate authorizes the Supply System to withdraw a 30-day average of 55,200,000 gallons per day from the Columbia River, or about 85 cubic feet per second.

Summary of Bill: If an EFSEC certificate holder transfers all or a portion of a site to an electrical generating energy park, EFSEC must amend the site certification agreement to release those portions of the site that are transferred.

If a site is transferred to an electrical generating energy park after January 1, 2005, the Department of Ecology must continue any EFSEC water authorization up to 15 cubic feet per second as requested by the recipient.

The term "electrical generating energy park" is not defined.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The intent of this bill would allow an area on the Hanford reservation to be designated an energy park to allow the building of power plants through the EFSEC process. BPA is planning a major power intertie near the reservation which would facilitate the construction of such a project. The Hanford site has water permits that are essentially not transferable; an energy park, however, would be able to use those permits. Local agencies that are covered by the bill should have taxing authority. Post-9/11 security issues need to be addressed.

Testimony Against: The bill attempts to get around the water code. Water transferred under the bill would not need to comply with the water appropriation test: beneficial use, no impairment of existing rights, available for appropriation, and not detrimental to the public interest.

Other: The bill needs clarifications. EFSEC already has exclusive authority to transfer water for projects under its jurisdiction. Because "electrical generating energy park" is not defined, it is not known if EFSEC would have total control over the park.

Who Testified: PRO: Senator Delvin, prime sponsor; Jim Roland, Energy Northwest.

CON: Craig Engelking, Sierra Club.

OTHER: Ken Slattery, Dept. of Ecology.