
SENATE BILL 5949

State of Washington

59th Legislature

2005 Regular Session

By Senators Delvin and Berkey

Read first time 02/16/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to the restoration and redevelopment of unfinished
2 nuclear power project sites for the purposes of creating an electrical
3 generating energy park; amending RCW 80.50.300; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to provide the
7 opportunity for the restoration and redevelopment of unfinished nuclear
8 power project sites for purposes of creating an electrical generating
9 energy park with sufficient water for that purpose.

10 **Sec. 2.** RCW 80.50.300 and 2000 c 243 s 1 are each amended to read
11 as follows:

12 (1) This section applies only to unfinished nuclear power projects.
13 If a certificate holder stops construction of a nuclear energy facility
14 before completion, terminates the project or otherwise resolves not to
15 complete construction, never introduces or stores fuel for the energy
16 facility on the site, and never operates the energy facility as
17 designed to produce energy, the certificate holder may contract,
18 establish interlocal agreements, or use other formal means to effect

1 the transfer of site restoration responsibilities, which may include
2 economic development activities, to any political subdivision or
3 subdivisions of the state composed of elected officials. The
4 contracts, interlocal agreements, or other formal means of cooperation
5 may include, but are not limited to provisions effecting the transfer
6 or conveyance of interests in the site and energy facilities from the
7 certificate holder to other political subdivisions of the state,
8 including costs of maintenance and security, capital improvements, and
9 demolition and salvage of the unused energy facilities and
10 infrastructure.

11 (2) If a certificate holder transfers all or a portion of the site
12 to a political subdivision or subdivisions of the state composed of
13 elected officials and located in the same county as the site, the
14 council shall amend the site certification agreement to release those
15 portions of the site that it finds are no longer intended for the
16 development of an energy facility.

17 Immediately upon release of all or a portion of the site pursuant
18 to this section, all responsibilities for maintaining the public
19 welfare for portions of the site transferred, including but not limited
20 to health and safety, are transferred to the political subdivision or
21 subdivisions of the state. For sites located on federal land, all
22 responsibilities for maintaining the public welfare for all of the
23 site, including but not limited to health and safety, must be
24 transferred to the political subdivision or subdivisions of the state
25 irrespective of whether all or a portion of the site is released.

26 (3) If a certificate holder transfers all or a portion of the site
27 to, or for the purposes of creating an electrical generating energy
28 park, the council shall amend the site certification agreement to
29 release those portions of the site that are transferred. For all or a
30 portion of sites that have been transferred after January 1, 2005, the
31 following condition applies:

32 The department of ecology shall continue any authorization under
33 the site certification agreement for the use of water at an electrical
34 generating energy park in good standing and bearing the same date as
35 the issuance of the site certification agreement for an amount of water
36 up to fifteen cubic feet per second as requested by, and for use by,
37 the recipient of all or a portion of the site. The certificate holder
38 shall assign such authorization to the recipient of such site.

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

17 (~~(4)~~) (5) For purposes of this section, "political subdivision or
18 subdivisions of the state" means a city, town, county, public utility
19 district, port district, or joint operating agency.

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