

SENATE BILL REPORT

HB 2304

As Reported by Senate Committee On:
Environment, February 21, 2012

Title: An act relating to transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health.

Brief Description: Transferring the low-level radioactive waste site use permit program from the department of ecology to the department of health.

Sponsors: Representatives Hudgins, Hunt and Moscoso; by request of Department of Health and Department of Ecology.

Brief History: Passed House: 2/13/12, 96-2.

Committee Activity: Environment: 2/17/12, 2/21/12 [DP].

SENATE COMMITTEE ON ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Nelson, Chair; Rolfes, Vice Chair; Ericksen, Ranking Minority Member; Chase, Fraser, Honeyford, Morton and Pridemore.

Staff: Jan Odano (786-7486)

Background: The Northwest Interstate Compact on Low-Level Radioactive Waste Management (Compact) consists of eight states: Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Wyoming, and Washington. The Compact is a cooperative effort between the states to protect the health and safety of their citizens by managing the handling and transporting of low-level radioactive wastes required for disposal in the region. The commercial low-level radioactive waste disposal facility is located near the center of the Hanford Site on approximately 100 acres of federal land leased to the state of Washington. Low-level radioactive waste is trash, clothing, tools, and equipment that has been contaminated by radioactive substances. The waste is usually generated by nuclear power plants, industrial users, government and military organizations, academic institutions and medical uses.

The Department of Ecology (DOE) implements requirements of the Compact, including administering and monitoring waste volume levels, reactor waste allocations, and priority allocations under the Compact. DOE is responsible for implementing a user permit system and issuing site-use permits for generators, packagers, or brokers using the commercial low-

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level radioactive waste disposal site. The site-use permit fee must cover the costs of administering the user permit system and the fee must be sufficient to fund the state's participation in the Compact.

The Department of Health (DOH) is designated as the State Radiation Control Agency and is responsible for implementing a regulatory and inspection program for ionizing radiation. DOH issues licenses for the receipt and disposal of low-level radioactive waste. DOH is authorized to suspend and reinstate site use permits for generators, packagers, or brokers using the commercial low-level radioactive waste disposal site in coordination with DOE. It is authorized to inspect the premises and determine financial assurance for a license applicant.

There is a memorandum of agreement between DOH and DOE for the site-use permit system. Under this agreement, DOH reviews site-use permit applications and makes recommendations for permit issuance to DOE. DOE approves and issues site-use permits and collects permit fees.

Summary of Bill: The authority for the Low-Level Radioactive Waste Site Use Permit Program is transferred from DOE to DOH.

DOH is authorized to administer a user permit system and issue site use permits for generators, packagers, or brokers to use the commercial low-level radioactive waste disposal site. The site-use permits must meet the requirements of the Compact. DOH may require permittees to demonstrate financial assurance adequate to cover claims from damages from transporting or disposing of commercial low-level waste. DOH must collect a fee for the permits that covers the cost of administering the program. The fee must be sufficient to fund the state's participation in activities related to the Compact.

Any site use permit issued by DOE is valid until the first expiration date that occurs after July 1, 2012.

DOH must adopt rules for administering a site use permit program.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This will streamline the process and benefit users. This was part of the Governor's proposal last year to consolidate activities. The agencies have collaborated on these efforts and support the transition.

Persons Testifying: PRO: Terry Frazee, DOH; Jane Hedges, DOE.