

HOUSE BILL REPORT

HB 1252

As Reported by House Committee On:
State Government, Elections & Information Technology

Title: An act relating to transferring authority for low-level radioactive waste management from the department of ecology to the department of health.

Brief Description: Transferring authority for low-level radioactive waste management from the department of ecology to the department of health.

Sponsors: Representatives Haler, Fitzgibbon, Klippert, Nealey, Tarleton and Jinkins; by request of Department of Health.

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 2/1/17, 2/14/17 [DPS].

Brief Summary of Substitute Bill

- Transfers primary responsibility regarding management oversight of low-level radioactive waste disposal from the Department of Ecology to the Department of Health.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Koster, Ranking Minority Member; Volz, Assistant Ranking Minority Member; Appleton, Gregerson, Irwin, Kraft and Pellicciotti.

Staff: Sean Flynn (786-7124).

Background:

Low-level radioactive waste (LLRW) refers to items exposed to neutron radiation or contaminated by radioactive materials at levels that require disposal at a specially designated facility and under federal law. Such LLRW is generated from a variety of sources, including

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hospitals, research facilities, and universities, as well as clothing and gloves from nuclear facilities. High-level radioactive waste, such as spent nuclear fuel, is subject to different disposal regulations.

There are four commercially operated LLRW disposal facilities throughout the country that are licensed to accept various types of LLRW. One LLRW disposal facility is located within the Hanford Site on federal land leased to the state. The site has been in operation since 1965 and is the only LLRW disposal facility site in the state. The disposal facility accepts LLRW produced within the state, as well as from other states, pursuant to an interstate compact.

The Department of Health (DOH) and the Department of Ecology (DOE) share regulatory oversight of the LLRW disposal facility. The DOH licenses the facility and ensures that the disposal facility complies with applicable state and federal regulations and license requirements. It also inspects shipments of LLRW, approves disposal of waste into trenches, and inspects the facility premises.

The DOE administers the interstate compacts regarding the receipt of LLRW from other states, the land lease agreement for the LLRW disposal facility, and the collection of fees charged to disposal facility customers based on the cubic feet of waste disposed. The fees are collected and deposited into special treasury accounts created to fund the eventual closure of the disposal facility and the continual maintenance of the site after closure.

In 2012 the DOH and DOE began the process of consolidating the regulatory authority over the LLRW disposal facility within the DOH. That year, the Legislature authorized the transfer of DOE's management responsibilities to the DOH regarding site use permits at the disposal facility. In 2015 the DOH and DOE were required to engage in consultations with the Yakama Nation regarding specific work related to closure of a radioactive waste storage area at the Hanford Site, including a report on such work.

Summary of Substitute Bill:

The DOH is designated as the lead agency for managing LLRW in the state and takes over certain functions from the DOE regarding such responsibilities. Specifically, the DOH assumes management of the Hanford Site lease agreement, as well as the sublease with commercial operator of the LLRW disposal facility.

The DOH also is responsible for collecting fees from customers using the LLRW disposal facility and manages the treasury accounts established to fund the state's responsibilities regarding the costs of the closure of the LLRW disposal facility and post-closure maintenance.

Some additional roles transferred to the DOH include: monitoring waste levels from the LLRW disposal facility; managing authorized access to the LLRW disposal facility; managing the interstate compacts regarding receipt of LLRW from other states; reviewing transportation security of LLRW; and studying the requirements for the disposal facility closure and post-closure maintenance.

The transfer of responsibilities is conditioned upon the DOH and DOE completing the required consultation with the Yakama Nation regarding the work on the closure of the radioactive waste storage area.

Substitute Bill Compared to Original Bill:

The transfer of responsibilities is conditioned upon the DOH and DOE completing the required consultation with the Yakama Nation regarding the work on the closure of the radioactive waste storage area.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Except for sections 6, 8, 10, 11, and 15, this bill takes effect 90 days after adjournment of the session in which the bill is passed. Sections 6, 8, 10, 11, and 15, relating to the transfer of radioactive waste program management responsibilities, take effect when the consultation between the state and the Yakama Nation regarding the commercial radioactive waste disposal trench closure has been fulfilled.

Staff Summary of Public Testimony:

(In support) This transfer of responsibilities to the DOH completes a process that began in 2012. This will provide efficiencies to consolidate administrative duties and allow the DOE to focus on clean up duties. This transfer will not affect DOE's responsibilities to continue to clean up older part of the site. The transfer will not create new costs because only the fee revenues and lease payments are transferred to DOH.

(Opposed) None.

Persons Testifying: Representative Haler, prime sponsor; Dave Jansen, Department of Health; and Denise Clifford, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.