

---

**State Government, Elections &  
Information Technology Committee**

---

**SB 5319**

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

**Sponsors:** Senators Brown and McCoy; by request of Department of Health.

**Brief Summary of Bill**

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

**Hearing Date:** 3/15/17

**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 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.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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 compact 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. A provision in the 2015 Capital Budget required the DOH and DOE 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 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.