

CHAPTER 2

[Engrossed Substitute Senate Bill No. 4876]

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

AN ACT Relating to low-level radioactive waste disposal; amending RCW 43.200.080, 70.98.085, and 43.200.070; adding new sections to chapter 43.200 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 8, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in ~~((consonance))~~ agreement with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance perpetual surveillance and maintenance under the agreement, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be an amount determined by the ~~((state radiation control agency))~~ department of ecology to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for

surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations; ~~((and))~~

(3) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities;

(4) To institute a user permit system and issue site use permits, consistent with regulatory practices, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility. The costs of administering the user permit system shall be borne by the applicants for site use permits. The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities.

Sec. 2. Section 3, chapter 383, Laws of 1985 and RCW 70.98.085 are each amended to read as follows:

~~(1)((a))~~ The agency ~~((shall institute a user permit system and issue))~~ is empowered to suspend and reinstate site use permits consistent with current regulatory practices and in coordination with the department of ecology, for generators, packagers, or brokers using the Hanford low-level radioactive waste disposal facility.

~~((b))~~ The costs of administering the user permit system shall be borne by the applicants for site use permits.

~~(c)~~ The site use permit fee shall be set at a level that is sufficient to fund completely the executive and legislative participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste.

~~(2)~~ In addition to the fee collected pursuant to subsection (1) of this section;) (2) The agency shall collect a surveillance fee as an added charge on each cubic foot of low level radioactive waste disposed of at the disposal site in this state which shall be set at a level that is sufficient to fund completely the radiation control activities of the agency which are not otherwise covered by cost recovery programs including, but not limited to, any funds from federal sources: PROVIDED, That the surveillance fee shall not exceed ~~((three))~~ four percent of the basic minimum fee charged by an operator of a low-level radioactive waste disposal site in this state. The basic minimum fee consists of the disposal fee for the site operator, the fee for the perpetual care and maintenance fund administered by the state, the fee for

the state closure fund, and the tax collected pursuant to chapter 82.04 RCW. Site use permit fees and surcharges collected under chapter 43.200 RCW are not part of the basic minimum fee. The fee shall also provide funds for other state agencies that incur expenses as a result of the control and management of the disposal of low-level radioactive waste in the state of Washington. Disbursements for these purposes to other state agencies shall be by authorization of the secretary of the department of social and health services or the secretary's designee.

~~((3))~~ The agency may adopt such rules as are necessary to carry out its responsibilities under this section.

~~((4) The agency shall submit a report to the legislature and the governor on or before the start of the 1986 regular session of the legislature. The report shall specify the radiation control activities required in this 1985 act, the cost of each activity and the source of the funding for each activity including federal assistance and the fees authorized by this 1985 act.)~~

NEW SECTION. Sec. 3. A new section is added to chapter 43.200 RCW to read as follows:

The governor may assess surcharges and penalty surcharges on the disposal of waste at the Hanford low-level radioactive waste disposal facility. The surcharges may be imposed up to the maximum extent permitted by federal law. Moneys received under this section shall be deposited in the general fund.

NEW SECTION. Sec. 4. A new section is added to chapter 43.200 RCW to read as follows:

The department of ecology shall be the state agency responsible for implementation of the federal low-level radioactive waste policy amendments act of 1985, including:

- (1) Collecting and administering the surcharge assessed by the governor under section 3 of this act;
- (2) Collecting low-level radioactive waste data from disposal facility operators, generators, intermediate handlers, and the federal department of energy;
- (3) Developing and operating a computerized information system to manage low-level radioactive waste data;
- (4) Denying and reinstating access to the Hanford low-level radioactive waste disposal facility pursuant to the authority granted under federal law;
- (5) Administering and/or monitoring (a) the maximum waste volume levels for the Hanford low-level radioactive waste disposal facility, (b) reactor waste allocations, (c) priority allocations under the Northwest Interstate Compact on Low-Level Radioactive Waste Management, and (d) adherence by other states and compact regions to federal statutory deadlines;

(6) Coordinating the state's low-level radioactive waste disposal program with similar programs in other states; and

(7) Preparing an annual report to the legislature which details the manifested curie content and cubic foot volume of the material received at the Hanford low-level radioactive waste disposal facility in a manner which allows for an assessment of the impact of volume reduction techniques and imposition of any surcharges on the amount of material received.

Sec. 5. Section 7, chapter 19, Laws of 1983 1st ex. sess. as amended by section 8, chapter 161, Laws of 1984 and RCW 43.200.070 are each amended to read as follows:

The board and/or the department of ecology (~~are authorized to~~) shall adopt such rules as are necessary to carry out responsibilities under this chapter. The department of (~~social and health services~~) ecology is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 43.200 RCW to read as follows:

(1) The department of ecology shall perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility.

(2) The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

NEW SECTION. Sec. 7. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 13, 1986.

Passed the House February 15, 1986.

Approved by the Governor February 21, 1986.

Filed in Office of Secretary of State February 21, 1986.

CHAPTER 3

[Engrossed Substitute Senate Bill No. 4519]

WATER POLLUTION CONTROL FACILITIES AND ACTIVITIES—FINANCING

AN ACT Relating to the financing of water pollution control facilities and activities; re-enacting and amending RCW 82.24.260; adding a new chapter to Title 70 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; adding a new section to chapter 82.32 RCW; making appropriations; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington: