

HOUSE BILL REPORT

HB 2304

As Passed Legislature

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:

Committee Activity:

State Government & Tribal Affairs: 1/26/12, 1/30/12 [DP];

Ways & Means: 2/6/12 [DP].

Floor Activity:

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

Passed Senate: 2/24/12, 49-0.

Passed Legislature.

Brief Summary of Bill

- Transfers the Low-Level Radioactive Waste Site Use Permit Program from the Department of Ecology to the Department of Health.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 11 members: Representatives Hunt, Chair; Appleton, Vice Chair; Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta, Darneille, Dunshee, Hurst, McCoy and Miloscia.

Staff: Cece Clynch (786-7195).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass. Signed by 27 members: Representatives Hunter, Chair; Darneille, Vice Chair; Hasegawa, Vice Chair; Alexander, Ranking Minority Member; Bailey,

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.

Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Carlyle, Chandler, Cody, Dickerson, Haigh, Haler, Hinkle, Hudgins, Hunt, Kagi, Kenney, Ormsby, Parker, Pettigrew, Ross, Schmick, Seaquist, Springer, Sullivan and Wilcox.

Staff: Amy Skei (786-7109).

Background:

Low-level radioactive waste (LLRW) is defined as waste material that contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities that exceed standards for unrestricted release. The LLRW does *not* include waste containing more than 100 nanocuries of transuranic contaminants per gram of material, spent nuclear fuel, or material that is classified as either high-level radioactive waste or waste that is unsuited for disposal by near-surface burial under federal regulations. It is generated in a variety of ways, by entities such as hospitals, research facilities, and universities. The LLRW may also include clothing and gloves from nuclear facilities.

The commercial LLRW disposal facility is located near the center of the Hanford Site on approximately 100 acres of federal land leased to the State of Washington. The site has been in operation since 1965 and is the only site in the state accepting commercial LLRW. It is operated by US Ecology Washington, Inc.

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

Ecology issues site use permits for generators, packagers, and brokers using the commercial LLRW disposal facility to dispose of LLRW. Approximately 400 site use permits are issued each year. The cost of a permit varies, depending primarily on volume.

In 2010 following the Governor's directive to consolidate agency functions, the DOH and Ecology entered into an interagency agreement allowing the DOH to review site use permit applications and make recommendations to Ecology. Ecology continues to issue the permits, however, as directed by statute.

Summary of Bill:

Authority to issue site use permits is transferred from Ecology to the DOH. Permits issued by Ecology remain valid until the first expiration date that occurs after July 1, 2012.

Site use permit fees collected by the DOH must be deposited in the site closure account. Site use permit fees must continue to be: (1) sufficient to fund the costs of administering the user permit system; and (2) set at a level that is sufficient to fund state participation in activities related to the Northwest Interstate Compact on Low-Level Radioactive Waste Management.

Appropriations to the DOH or Ecology must permit expenditures using site use permit fee funds from the site closure account.

The DOH has similar authority as was had by Ecology to require site use permit holders to demonstrate financial assurance in an amount that is adequate to protect the state and its citizens from all claims, suits, losses, damages, or expenses on account of injuries to persons and property arising out of the transportation of LLRW. The DOH, as Ecology did before, must require that any person holding or applying for a permit indemnify and hold harmless the state from claims, suits, damages, or expenses on account of injuries to, or death of, persons, and property damage arising or growing out of the operations and activities of the permit holder.

Reference is made to which statutes govern with respect to notice of action and adjudicative proceedings available in the case a permit is denied, modified, suspended, or revoked. A change is made in the section pertaining to the authority of the Ecology Director to clarify that the lease from the federal government to the state covers 115, and not 1,000, acres lying within the Hanford Site.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2012.

Staff Summary of Public Testimony (State Government & Tribal Affairs):

(In support) Both the DOH and Ecology support this bill. It is a joint agency request, and was proposed initially last year as part of the natural resource agency consolidation bill. Site permitting is an appropriate activity to move. Moving it promotes efficiency. Already, the DOH licenses and inspects the operator and inspects the waste shipments. Under current law, however, Ecology must issue the permits for those waste shipments.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) This will streamline agency operations for oversight of site users and make for a more efficient process. It is revenue neutral. The agencies involved have collaborated on this since last year when it was part of the Governor's initiative to consolidate natural resource agencies. This transition will consolidate the authority for radiological functions in the state. The agencies involved will continue to coordinate on the transition of authority, support to the Northwest Compact, and on closure of the commercial radioactive waste disposal facility.

(Opposed) None.

Persons Testifying (State Government & Tribal Affairs): Representative Hudgins, prime sponsor; Terry Frazee, Department of Health; and Larry Goldstein, Department of Ecology.

Persons Testifying (Ways & Means): Representative Hudgins, prime sponsor; Terry Frazee, Washington Department of Health; and Mike Garner, Department of Ecology.

Persons Signed In To Testify But Not Testifying (State Government & Tribal Affairs): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.