

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2486 HB	<b>Title:</b> Environmental statutes
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
<b>Total</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Linda Steinmann, OFM	<b>Phone:</b> 360-902-0573	<b>Date Published:</b> Preliminary 1/19/2016
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 42626

FNS029 Multi Agency rollup

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2486 HB	<b>Title:</b> Environmental statutes	<b>Agency:</b> 090-Office of State Treasurer
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## Part I: Estimates

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No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2016	FY 2017	2015-17	2017-19	2019-21
Vessel Response Account-State 07C-1	(250,000)		(250,000)		
Coastal Protection Account-Non-Appropriated 408-6	250,000		250,000		
<b>Total \$</b>					

### Estimated Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐

Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/13/2016
Agency Preparation: Dan Mason	Phone: 360-902-9090	Date: 01/15/2016
Agency Approval: Dan Mason	Phone: 360-902-9090	Date: 01/15/2016
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/15/2016

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

HB 2486 abolishes the vessel response account.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

Under section 20, the state treasurer is directed to transfer any money remaining in the vessel response account to the coastal protection fund. The estimated transfer was provided by the department of ecology.

Please note, the Governor's budget proposal, HB 2376 section 804, and SB 6246 section 804, reflects the transfer from the vessel response account to the environmental legacy stewardship account created under RCW 70.105D.170.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

NONE

Part IV: Capital Budget Impact

NONE

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2486 HB	<b>Title:</b> Environmental statutes	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

☐

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2016	FY 2017	2015-17	2017-19	2019-21
Vessel Response Account-State 07C-1		(50,000)	(50,000)	(100,000)	(100,000)
Coastal Protection Account-Non-Appropriated 408-6		50,000	50,000	100,000	100,000
<b>Total \$</b>					

### Estimated Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☒ Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/13/2016
Agency Preparation: Jessica Moore	Phone: 360-407-6994	Date: 01/19/2016
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/19/2016
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 01/19/2016

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

This bill is similar to HB 2439 from the 2014 session. The intent of this bill is to streamline and clarify the administration of some activities of the Department of Ecology. This bill would update and eliminate obsolete references and dates and create some administrative flexibility. The bill covers a range of Ecology programs. Costs estimated for section 11 for this bill were increased over what was estimated in HB 2439 due to likely interest of local governments and concerned citizens in the revision of the Noise rules. Also, there would be no savings from repealing the requirement to send notices by certified mail or personal service since Ecology would consolidate all procedural descriptions through referencing RCW 43.21B.300. This referenced section requires notice by certified mail or personal service; thus the basic procedure would remain the same.

This bill would also amend statutes regarding the Environmental and Land Use Hearings Office that link to activities of Ecology.

Two sections would have a fiscal impact:

Section 20 would require the transfer of any remaining funds in the Vessel Response Account to the Coastal Protection Account.

Section 21 (22) would eliminate the Vessel Response Account.

The other sections would have no fiscal impact:

Section 1 and Section 21(23) would resolve the problem of duplicate amendments to RCW 43.21B.005 adopted in 2010, related to the composition of Environmental and Land Use Hearings Office.

Section 2 and Section 21(24) would resolve the problem of duplicate amendments to RCW 43.21B.300 adopted in 2010. This section addresses civil penalties for violations of environmental statutes and opportunity for appeal to the Pollution Control Hearings Board. This section would also update the list of statutes where this section applies.

Section 3 would amend RCW 43.21B.305 and 2013 c 291 s 44 to allow appeals of penalties of \$15,000 or less, or appeals of a corrective action order issued pursuant to RCW 70.94.211 (Enforcement actions by air authority – Notice to violators), or appeals that involve a derelict or abandoned vessel under RCW 79.100.120, to be heard by an administrative appeals judge already employed by the PCHB instead of a single member of the board. This efficiency measure would streamline this appeals process for regulated entities and the board. This change would have no fiscal impact to Ecology because it would not change any hearing preparation required by Ecology.

Sections 4 and 5 would amend RCW 43.21B.110 to clarify the role of the Pollution Control Hearings Board (PCHB) and to consolidate the lists for statutes where PCHB has jurisdiction. This would have no fiscal impact because it would not change the number of hearings or work required for each.

Section 6 would amend RCW 70.95.240 to maintain consistency with other changes in this bill. RCW 70.95.240 is related to the unpermitted dumping of solid waste.

Section 7 would amend RCW 70.95.300. Subsections (1) and (2) would allow the creation by rule of a department-initiated permit exemption procedure for beneficial uses of solid wastes. Subsections (3) and (4) would clarify the existing procedures for applicant-initiated proposals. Subsections (5) and (6) would assure consistency for comment and appeal options for applications and proposals. Subsection (6) would also expand those with the ability to appeal Ecology's exemption decision from the applicant and the jurisdictional health department to "any aggrieved party." Ecology assumes that broadening the appeal ability would not increase appeals or workload. Periodic rulemaking is required under current law, not by this section, and would utilize existing program resources. We are currently updating this WAC 173-350 and can add in these changes should this bill pass this session. Subsection (8) clarifies that this section does not apply to biosolids or sewage sludge.

There would be no fiscal impact from these amendments.

Section 8 would amend RCW 70.95M.080 to clarify penalties and appeals to the PCHB.

Section 9 would amend RCW 70.105.095 to clarify the process for appeals of penalties.

Section 10 would amend RCW 70.107.010 to transfer the authority to adopt and enforce regulations on noise from Ecology to local governments. There would be no fiscal impact.

Section 11 would amend RCW 70.107.030 to remove Ecology's requirement to work with other state agencies and local government to establish and amend existing noise rules as necessary. This section would also require Ecology to establish that the model standard for noise control in rule would be regulated by local government (instead of Ecology). The model standards are already in place in WAC 173-60. The rule would only need to be modified to change references from Ecology authority to local government authority, consistent with sections 10-12 and Section 21(20)-(21). The rule change to conform to statute would likely be of interest to citizens that have advocated for a stronger role by Ecology in noise enforcement. This includes the proponents of two rule petitions on noise regulation that were submitted and rejected in recent months. It is assumed that this rulemaking would be conducted with other rulemaking, so the net additional time required would be 40 to 60 hours. The additional staff time could result in a minimal delay on another assignment and would not require new resources.

Section 12 would remove Ecology's required review and approval of all local government noise limits that differ from the existing limits established by rule. There would be no fiscal impact.

Section 13 would amend RCW 70.240.050 to clarify processes to impose and appeal penalties for violations of the Children's Safe Products Act.

Section 14 would amend RCW 86.16.081 to clarify procedures related to penalties for violations of the Floodplain Management Act.

Section 15 would amend RCW 90.56.060 to remove provisions requiring the department to submit the state master oil and hazardous substance spill prevention and contingency plan to legislative committees every November 1. It would also delete an evaluation provision related to the Spills Program advisory committee. There would be no fiscal impact since these changes reflect current practice.

Section 16 would amend RCW 90.58.090 to update this section of the Shoreline Management Act statute to make it consistent with changes made by the Legislature in 2010. It would delete language reading "at least equal to that provided by the local government's critical areas ordinances adopted and thereafter amended pursuant to

RCW 36.70A.060(2)" and would replace it with "RCW 36.70A.480." This would not change Ecology's role or work.

Section 17 would amend RCW 90.58.190. Subsection (4) would be deleted to remove a provision setting an effective date for a Shoreline Management Act master program after Ecology's approval or a ruling from the shoreline hearings board or growth management hearings board. The 2012 statutory amendment to RCW 90.58.190 to clarify SMP adoption requirements inadvertently created an "effective date" conflict with existing statutory provisions (RCW 90.58.090(7) and RCW 36.70A.302). Eliminating this provision would not affect authorities or procedures.

Section 18 would establish an expiration date of June 30, 2019, for Section 4.

Section 19 would establish an effective date of June 30, 2019 for Section 5.

Section 21 would repeal statutes that are no longer needed.

Subsections 21 (1) to (17) relate to a steam electric generating plant.

Subsection 21 (18) would repeal RCW 70.95.205, which specifies a permit exemption process for soil amendments, and which are redundant of the permit exemption process for all beneficial uses in RCW 70.95.300.

Subsection 21 (19) would repeal RCW 70.95.700, which requires every incinerator, no matter how small or for what intent, to perform an automatic environmental impact statement (EIS). The State Environmental Policy Act already provides for a case by case consideration of whether an incinerator would require an EIS. This would not have a fiscal impact on Ecology, but could reduce costs for those incinerator projects that would go through the SEPA process and be determined non-significant (not needing an EIS).

Subsections 21 (20 and 21) would repeal parts of the noise statute RCW 70.107 that are no longer required, consistent with sections 10-12.

Subsection 21(22) would eliminate the Vessel Response Account.

Subsection 21 (23) would repeal a duplicative version of RCW 43.21B.005 adopted in 2010.

Subsection 21 (24) would repeal a duplicative version of RCW 43.21B.300 adopted in 2010.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

Section 20 would require the transfer of any remaining funds in the Vessel Response Account to the Coastal Protection Account. The Vessel Response Account (VRA) was created to fund a spill prevention tug at Neah Bay, and was funded by penalty revenues previously going to the Coastal Protection Account. Now that the tug is funded by an industry consortium, the VRA is no longer needed for that purpose. The amount to be transferred should be the remaining cash balance when this bill would take effect. That transfer would be implemented by the Treasurer's Office and will be displayed in their fiscal note.

Section 21(22) would eliminate the Vessel Response Account (VRA). If the bill were enacted, penalty revenue currently going into VRA would go instead to the Coastal Protection Account. We assume the penalty revenue

would be equal to the currently budgeted level of revenue, which is \$50,000 per fiscal year.

**II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

**Part III: Expenditure Detail**

**III. A - Expenditures by Object Or Purpose**

NONE

**Part IV: Capital Budget Impact**

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Sections 7, 10, 11 and 12 would drive minor rulemaking changes that would be incorporated into other, planned rulemakings.



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2486 HB	<b>Title:</b> Environmental statutes	<b>Agency:</b> 468-Environmental & Land Use Hearings
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## Part I: Estimates

☒ No Fiscal Impact

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/13/2016
Agency Preparation: Joan Marchioro	Phone: 360 664-9171	Date: 01/14/2016
Agency Approval: Joan Marchioro	Phone: 360 664-9171	Date: 01/14/2016
OFM Review: Linda Steinmann	Phone: 360-902-0573	Date: 01/14/2016

## Part II: Narrative Explanation

### II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

FNS 2486 HB has no fiscal impact to the Environmental and Land Use Hearings Office. The bill does not result in any new appeals coming to the Pollution Control Hearings Board. Rather, it corrects sections of the Board's authorizing statute that do not state those areas/appeals over which the Board has existing jurisdiction, and provides the Board flexibility in how the Board assigns smaller cases. These changes ensure that the public has adequate notice as to where to appeal a particular agency action, and allow the Board to better manage workload.

Sections 1 and 2 of FNS 2486 HB also eliminates duplicative provisions for RCW 43.21B.050 and 43.21B.300 which currently exist in statute. Those statutes were amended during a regular legislative session and then amended again during the special session to address an overlooked edit that was not corrected in the first bill. Due to the sequence of events, the Code Revisers Office has retained both versions in the chapter, which is leading to some confusion.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*