

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1554 HB	<b>Title:</b> Lead impacts
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Department of Health	.6	251,000	251,000	251,000	.8	306,000	306,000	306,000	.8	306,000	306,000	306,000
Department of Transportation	Fiscal note not available											
Department of Ecology	4.8	0	0	1,554,026	3.0	0	0	968,213	3.0	0	0	968,213
Environmental and Land Use Hearings Office	.1	24,284	24,284	24,284	.3	70,458	70,458	70,458	.3	70,458	70,458	70,458
<b>Total \$</b>	<b>5.5</b>	<b>275,284</b>	<b>275,284</b>	<b>1,829,310</b>	<b>4.1</b>	<b>376,458</b>	<b>376,458</b>	<b>1,344,671</b>	<b>4.1</b>	<b>376,458</b>	<b>376,458</b>	<b>1,344,671</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	Fiscal note not available								
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>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Preliminary
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1554 HB	<b>Title:</b> Lead impacts	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.8	0.6	0.8	0.8
<b>Account</b>					
General Fund-State 001-1	98,000	153,000	251,000	306,000	306,000
<b>Total \$</b>	98,000	153,000	251,000	306,000	306,000

### 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: 01/24/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 01/27/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 01/27/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 01/29/2023

## Part II: Narrative Explanation

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

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

Sec 3. This bill would phase out the sale of leaded aviation fuel by Jan 1, 2026, for airports on or adjacent to a state or federal cleanup site, in or adjacent to an overburdened community (defined in RCW 70A.02 or 70A.65.020), or primarily in a city with a population over 700,000 (Seattle). The ban would be Jan 1, 2028 for airports within or adjacent to an urban growth area (RCW 36.70A.110) and Jan 1, 2030 for all other airports.

Sec 4. Ecology (ECY) would consult with Department of Health (DOH) and Washington State department of Transportation (WSDOT) to review available information develop Best Management Practices (BMPs) for reducing public health and environmental exposures to lead associated with airport operations. Initial guidance is due by July 1, 2024, with an updated version due July 1, 2026, and continuing until no facilities are using leaded aviation gas.

Sec 6. ECY will also consult with DOH and WSDOT in providing technical assistance to airports that have not submitted their implementation plans, that are required in Section 5 by Nov 1, 2024.

Sec 7. Health is also directed to update existing blood lead testing guidance for health care providers to include children living within 1 km of a general aviation airport as high-risk populations broadly recommended for blood lead testing. No deadline is given in the bill, DOH assumes this activity will occur in FY24.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

#### Section 4

Requires ECY in consultation with DOH and WSDOT to review available information develop BMPs for reducing public health and environmental exposures to lead associated with airport operations. Initial guidance is due by July 1, 2024, with an updated version due July 1, 2026, and ongoing.

DOH assumes the need for:

0.15 FTE [TOX3] for FY 2024 and ongoing, who would:

- Review available information on BMPs to reduce lead emissions from general aviation airports
- Prepare for and attend meetings with other agencies, stakeholders, and the public
- Review and update guidance by July 1, 2026 and ongoing until no facilities have leaded aviation gas

Cost for Toxicologist 3 [TOX3]

Fiscal Year (FY) 2024 \$29,000 and 0.15 FTE

Fiscal Year (FY) 2025 \$29,000 and 0.15 FTE Ongoing

DOH will also require:

0.15 FTE [HSC4] for FY 2024 and ongoing, who would:

- Identify overburdened communities and conduct outreach

- Prepare for and attend meetings with other agencies, stakeholders, and the public
- Review and update guidance for July 1, 2026 and ongoing until no facilities have leaded aviation gas

Cost for Health Services Consultant [HSC4]  
 Fiscal Year (FY) 2024 \$26,000 and 0.15 FTE  
 Fiscal Year (FY) 2025 \$26,000 and 0.15 FTE Ongoing

Sec.4 Total Cost  
 Fiscal Year (FY) 2024 \$55,000 and 0.30 FTE  
 Fiscal Year (FY) 2025 \$55,000 and 0.30 FTE and Ongoing

Section 6  
 Requires ECY to consult with DOH and WSDOT to provide technical assistance to airports that have not submitted their implementation plans, which are required in Section 5 by Nov 1, 2024.

DOH assumes the need for:  
 0.50 FTE [TOX3] in FY 25 and ongoing, who would:

- Provide technical assistance to airports until no facilities have leaded aviation gas

Section 6 Total Cost  
 Fiscal Year (FY) 2025 \$98,000 and 0.50 FTE  
 Fiscal Year (FY) 2026 \$98,000 and 0.50 FTE and Ongoing

Section 7  
 Requires DOH to update our blood lead testing guidance for health care providers to include children living within 1 km of a general aviation airport as high-risk populations broadly recommended for blood lead testing.

DOH assumes the need for:  
 0.10 FTE [HSC3] in FY24, who would:

- modify testing guidance document
- support promotional material development
- update website
- perform educational outreach (Newsletters, Articles, Social media posts)
- train providers
- manage PEHSU contract

Cost for Health Services Consultant [HSC3]  
 Fiscal Year (FY) 2024 \$15,000 and 0.10 FTE

DOH assumes the need for

- \$24,000 for a contract with Pediatric Environmental Health Specialty Unit (PEHSU) to develop and promote a 1-hour Continuing Nursing Education (CNE) / Continuing Medical Education (CME) training focused changes to testing guidance
- \$3,000 for printing of materials

Sec.7 Total Cost  
 Fiscal Year (FY) 2024 \$43,000 and 0.10 FTE

Total Combined Costs  
 Fiscal Year (FY) 2024 \$98,000 and 0.40 FTE  
 Fiscal Year (FY) 2025 \$153,000 and 0.80 FTE and Ongoing

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	98,000	153,000	251,000	306,000	306,000
<b>Total \$</b>			98,000	153,000	251,000	306,000	306,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.4	0.8	0.6	0.8	0.8
A-Salaries and Wages	37,000	85,000	122,000	170,000	170,000
B-Employee Benefits	13,000	28,000	41,000	56,000	56,000
C-Professional Service Contracts	24,000		24,000		
E-Goods and Other Services	20,000	34,000	54,000	68,000	68,000
J-Capital Outlays	1,000		1,000		
T-Intra-Agency Reimbursements	3,000	6,000	9,000	12,000	12,000
<b>Total \$</b>	98,000	153,000	251,000	306,000	306,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
HEALTH SERVICES CONSULTAN 3	75,120	0.1		0.1		
HEALTH SERVICES CONSULTAN 4	82,896	0.1	0.1	0.1	0.1	0.1
TOXICOLOGIST 3	103,572	0.2	0.7	0.5	0.7	0.7
<b>Total FTEs</b>		0.4	0.8	0.6	0.8	0.8

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1554 HB	<b>Title:</b> Lead impacts	<b>Agency:</b> 461-Department of Ecology
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	4.8	4.8	4.8	3.0	3.0
<b>Account</b>					
Model Toxics Control Operating Account-State 23P-1	848,850	705,176	1,554,026	968,213	968,213
<b>Total \$</b>	848,850	705,176	1,554,026	968,213	968,213

### 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: 01/24/2023
Agency Preparation: Emily Delancey	Phone: 360-280-6628	Date: 01/27/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/27/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/27/2023



## Part II: Narrative Explanation

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

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

Currently, leaded gasoline remains in widespread use at general aviation airports by piston engine noncommercial aircraft, while leaded motor vehicle gasoline has been phased out across the United States. The United States Environmental Protection Agency (EPA) has recently taken steps towards making an endangerment finding to address this source of lead pollution.

The intent of this bill is to phase out the use of leaded aviation gasoline at airports in Washington, to take steps to mitigate the public health and environmental harms caused by the use of leaded gasoline at airports, and to expedite the transition to the use of unleaded aviation gasoline.

Section 2 would add the definitions that apply throughout the chapter.

Section 3 would phase in a prohibition of leaded aviation gasoline, which would take effect in airports and aviation retail establishments by the following dates: January 1, 2026, for sites on or adjacent to cleanup sites, overburdened communities, and cities with a population of 700,000 or more; January 1, 2028, for sites located within or adjacent to urban growth areas; and, January 1, 2030, for all other sites.

Section 4 would require the Department of Ecology (Ecology), in consultation with the Department of Health (DOH) and the Washington Department of Transportation (WSDOT), to publish initial guidance to airport operators by July 1, 2024, on best management practices to minimize lead exposures. The guidance would need to be updated by July 1, 2026, and periodically after.

Section 5 would require airport operators to submit plans to Ecology by November 1, 2024, to implement the best management practices. The plan must be updated by November 1 following the publication of updated guidance by Ecology. By December 1, 2025, and annually thereafter, airport operators must provide a status report to Ecology on implementation of the plan. The planning and status report requirements would not apply to airports that do not sell or distribute leaded aviation gasoline.

Section 6 would require Ecology, in consultation with DOH and WSDOT, to offer technical assistance to airport operators that do not submit or implement plans under section 5. Ecology may adopt rules to implement this section, and local air agencies must enforce the requirements in the bill within their jurisdiction. A civil penalty of \$1,000 a day would be established for violations of the prohibition on leaded gasoline. A civil penalty of \$1,000 a day would also be established if an airport operator is still in violation 30 days after the offer of technical assistance.

Section 8 would add a new chapter to Chapter 70A.15 RCW to require local air agencies to enforce the requirements of this bill in areas within their jurisdiction.

Section 9 specifies that the Pollution Control Hearings Board would have jurisdiction for appeals of civil penalties issued under this bill.

Section 10 states that civil penalties would be subject to requirements in RCW 43.21B.300.

Section 11 would add sections 1 through 6 as a new chapter in Title 70A RCW.

Section 12 includes a severability clause.

Section 13 includes an emergency clause.

## II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

### Section 6 – Penalties

Section 6 would authorize a civil penalty of \$1,000 a day for violations of the prohibition on leaded gasoline. A civil penalty of \$1,000 a day would also be established if an airport operator is still in violation 30 days after the offer of technical assistance.

Penalties recovered under this statute by Ecology are assumed to be credited to the general fund. No cash receipts to Ecology are estimated as a result of civil penalties. It is assumed it is the intent of the bill to provide for penalties to ensure compliance. Enforcement actions and penalties are assumed to be limited, but unknown, and therefore are not estimated in this fiscal note.

## II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 and ongoing to implement the requirements of sections 3, 4, 5, and 6.

### Section 3 and 6 – Rulemaking

Section 3 would phase in a prohibition of leaded aviation gasoline, which would take effect in airports and aviation retail establishments by the following dates: January 1, 2026, for sites on or adjacent to cleanup sites, overburdened communities, and cities with a population of 700,000 or more; January 1, 2028, for sites located within or adjacent to urban growth areas; and, January 1, 2030, for all other sites.

Section 6 would require Ecology, in consultation with DOH and WSDOT, to offer technical assistance to airport operators that do not submit or implement plans under section 5. Ecology may adopt rules to implement this section, and local air agencies must enforce the requirements in the bill within their jurisdiction.

Ecology assumes that we would conduct rulemaking for the requirements in Section 3 to define the terms, determine the applicability for the ban on leaded aviation gasoline, specify plan submittal requirements, and create the terms for the technical assistance that is required as part of Section 6.

Ecology estimates that rulemaking would be highly complex and generate substantial public interest and input. It would require two years, from July 1, 2023, to June 30, 2025. This type of rulemaking would include three preproposal meetings to gather input from stakeholders and three public hearings to accept comments on the rule proposal.

0.85 FTE Environmental Planner (EP) 3 in FY 2024 and FY 2025 – this position would be the rulemaking lead, coordinating the rulemaking effort.

0.75 FTE Environmental Engineer (EE) 6 in FY 2024 and FY 2025 – this position would be the technical lead, advising on rule language and driving the overall policy change of the program.

0.5 FTE EP 5 in FY 2024 and FY 2025 – this position would be the the subject matter expert for the rulemaking process and would provide technical assistance.

The following positions would complete an economic and regulatory analysis of the rule: 0.25 FTE Economic Analyst 3 in FY 2025; and 0.10 FTE Regulatory Analyst 2 in FY 2025. Ecology would hold two public hearings in FY 2024 and one public hearing in FY 2025 for rulemaking. Goods and services estimates include facility rental costs estimated at \$1,000 per hearing (\$2,000 FY 2024 and \$1,000 FY 2025).

Based on an assumption that legal considerations for the rulemaking should be minimal, our Assistant Attorney General (AAG) has estimated that the minimal staff time at the Attorney General's Office would be needed to provide legal support for rulemaking, and no additional costs are estimated for AAG assistance.

#### Section 4 – Guidance

Section 4 would require Ecology, in consultation with DOH and WSDOT, to publish initial guidance to airport operators by July 1, 2024, on best management practices to minimize lead exposures. The guidance would need to be updated by July 1, 2026, and periodically thereafter.

Ecology does not currently have the experience or knowledge in-house to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. We assume that Ecology would enter into a contract for development of the guidance required in this section.

Based on previous contract estimates for similar work, Ecology estimates the contract would cost \$105,000. The contract would be executed in FY 2024 in order to meet the initial guidance deadline of July 1, 2024, and then again in FY 2026 in order to meet the updated guidance deadline. Ecology assumes updates would occur every two years after that until no airport facilities in Washington have leaded aviation gas in 2030.

In addition to the contract, Ecology assumes we would consult with DOH and WSDOT to review available information and academic publications to identify best management practices for reducing public health and environmental exposures to lead associated with airport operations. Ecology assumes there would be four 8-hour meetings, three 2-hour stakeholder meetings, and three 2-hour public meetings in FY 2024. Additionally, Ecology assumes 160 hours of staff time to review and provide input on the draft guidance.

\$105,000 in FY 2024 and every other year ongoing through FY 2030 – Ecology would need to enter into a contract with an outside party in order to develop the guidance required in this section.

0.50 FTE Environmental Specialist (ES) 5 in FY 2024 and every other year ongoing through FY 2030 – this position would be the technical liaison for the program and would prepare for and attend all relevant meetings, and then review and provide input on the draft guidance received from the contractor.

0.15 FTE Community Outreach & Environmental Education Specialist 4 in FY 2024 and every other year through FY 2030 – this position would assist with stakeholder outreach and public meetings, with a specific focus on overburdened communities and Tribal consultation.

0.10 FTE WMS 2 in FY 2024 and every other year through FY 2030 – this position would provide direct management involvement and engagement on the guidance required in this bill.

Staff time in Ecology's Spills Program would also be involved in the implementation of this section.

0.08 FTE EE 5 in FY 2024 and every other year through FY 2030 – this position would review and provide input on the draft guidance for preventing spills and releases during refueling, maintenance, storage and disposal. The position would also prepare for and attend relevant meetings.

0.01 FTE WMS 2 in FY 2024 and every other year through FY 2030 – this position would provide direct management

involvement and engagement on the guidance for preventing spills and releases as required in this bill.

## Section 5 – Reporting

Section 5 would require airport operators to submit plans to Ecology by November 1, 2024, to implement the best management practices. The plan must be updated by November 1st following the publication of updated guidance by Ecology. By December 1, 2025, and annually thereafter, airport operators must provide a status report to Ecology on implementation of the plan.

Ecology assumes staff time would be required in order to review the submitted plans and status reports. We also assume that staff time would be required to provide feedback. Resources for this section are based on 160 airports being located within the state and an average of 2.5 days spent reviewing and providing feedback on each report. We also assume IT support would be required to collect the plans and reports submitted for this section. Additional staff time for IT support would be required in the fiscal year leading up to the first required report in order to support the development of the system and do proper testing prior to deployment of the software. With the first report being due November 1, 2024, Ecology assumes that IT staff time would be heaviest in FY 2024 prior to the program's start date.

1.0 FTE EE 3 in FY 2025, and 1.5 FTE EE 3 in each of fiscal years 2025 through 2030 – this staff time would review the submitted plans and status reports, and provide feedback on each.

0.20 FTE IT Business Analyst - Journey in FY 2024 – this position would analyze the business requirements of the needed IT application and document software specifications, do system testing, and conduct user training.

0.20 FTE IT App Development – Journey in FY 2024 through 2030 – this position would develop, deploy and maintain the application.

0.20 FTE IT App Development – Senior Specialist in FY 2024 – this position would oversee the architecture and development process of the application and help with software development and deployment.

0.20 FTE IT System Administration- Journey in FY 2024 – this position would perform database administration, database design, and script execution.

0.20 FTE IT Project Management - Journey in FY 2024 – this position would manage the budget, timeline, and resources for the application project.

0.20 FTE IT App Development – Manager in FY 2024 – this position would manage the personnel assigned to work on the IT application.

## Section 6 – Technical Assistance

Section 6 would require Ecology, in consultation with DOH and WSDOT, to offer technical assistance to airport operators that do not submit or implement plans under section 5. Section 5 would require airport operators to submit plans to Ecology by November 1, 2024, to implement the best management practices. The plan must be updated by November 1st following the publication of updated guidance by Ecology. By December 1, 2025, and annually thereafter, airport operators must provide a status report to Ecology on implementation of the plan. Ecology would be required to publish updated guidance by July 1, 2026, and assume we would publish updated guidance every two years after that until no airport facilities in Washington have leaded aviation gas in 2030.

Ecology assumes half of the estimated 160 required entities would not submit reports and would require technical assistance of an average of 12 hours per airport.

0.50 FTE ES 3 in FY 2025 and ongoing through 2030 – this position would provide technical assistance to airports that do not submit a plan that meets the requirements of this section, or that do not implement the plan submitted to Ecology.

The Local Air Authorities would be responsible for the enforcement of these requirements within the areas of their jurisdiction.

SUMMARY: The expenditure impact to Ecology under this bill is:

RULEMAKING is estimated to require:

FY 2024: \$375,404 and 2.4 FTEs

FY 2025: \$428,873 and 2.8 FTEs.

GUIDANCE is estimated to require:

FY 2024 and every other year through FY 2030: \$235,151 and 1.0 FTEs.

REPORTING is estimated to require:

FY 2024: \$238,295 and 1.4 FTEs

FY 2025: \$217,047 and 1.4 FTEs.

FY 2026 and ongoing through 2030: \$307,275 and 2.0 FTEs

TECHNICAL ASSISTANCE is estimated to require:

FY 2025 and every year ongoing through FY 2030: \$59,256 and 0.6 FTEs.

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be:

FY 2024: \$848,850 and 4.8 FTEs

FY 2025: \$705,176 and 4.8 FTEs

FY 2026: \$601,682 and 3.5 FTEs

FY 2027: \$366,531 and 2.5 FTEs

FY 2028: \$601,682 and 3.5 FTEs

FY 2027: \$366,531 and 2.5 FTEs.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Professional Services Contract costs of \$105,000 in FY 2024 and every other year ongoing through FY 2030 are included.

Goods and Services are the agency average of \$5,224 per direct program FTE. Additional Goods and Services costs include rulemaking public hearing costs of \$2,000 in FY 2024 and \$1,000 in FY 2025.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
23P-1	Model Toxics Control Operating Account	State	848,850	705,176	1,554,026	968,213	968,213
<b>Total \$</b>			848,850	705,176	1,554,026	968,213	968,213

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	4.8	4.8	4.8	3.0	3.0
A-Salaries and Wages	405,211	383,626	788,837	469,608	469,608
B-Employee Benefits	145,874	138,105	283,979	169,059	169,059
C-Professional Service Contracts	105,000		105,000	105,000	105,000
E-Goods and Other Services	23,600	22,679	46,279	27,346	27,346
G-Travel	6,465	6,488	12,953	8,184	8,184
J-Capital Outlays	4,262	4,279	8,541	5,399	5,399
9-Agency Administrative Overhead	158,438	149,999	308,437	183,617	183,617
<b>Total \$</b>	<b>848,850</b>	<b>705,176</b>	<b>1,554,026</b>	<b>968,213</b>	<b>968,213</b>

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
COM OUTREACH & ENV ED SP 4	73,260	0.2		0.1	0.1	0.1
ECONOMIC ANALYST 3	85,020		0.3	0.1		
ENVIRONMENTAL ENGINEER 3	98,592		1.0	0.5	1.5	1.5
ENVIRONMENTAL ENGINEER 5	108,804	0.1		0.0	0.0	0.0
ENVIRONMENTAL ENGINEER 6	114,360	0.8	0.8	0.8		
ENVIRONMENTAL PLANNER 3	80,952	0.9	0.9	0.9		
ENVIRONMENTAL PLANNER 5	98,592	0.5	0.5	0.5		
ENVIRONMENTAL SPEC 3	63,216		0.5	0.3	0.5	0.5
ENVIRONMENTAL SPEC 5	80,952	0.5		0.3	0.3	0.3
FISCAL ANALYST 2		0.4	0.4	0.4	0.3	0.3
IT APP DEV-JOURNEY	100,032	0.2	0.2	0.2	0.2	0.2
IT APP DEV-JOURNEY (Admin)		0.2	0.2	0.2	0.1	0.1
IT APP DEV-MANAGER	127,656	0.2		0.1		
IT APP DEV-SR/SPECIALIST	115,824	0.2		0.1		
IT BUSINESS ANALYST-JOURNE'	100,032	0.2		0.1		
IT PROJECT MGMT-JOURNEY	105,060	0.2		0.1		
IT SYSTEM ADMIN-JOURNEY	105,060	0.2		0.1		
REGULATORY ANALYST 2	82,896		0.1	0.1		
WMS BAND 2	100,000	0.1		0.1	0.1	0.1
<b>Total FTEs</b>		<b>4.8</b>	<b>4.8</b>	<b>4.8</b>	<b>3.0</b>	<b>3.0</b>

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

## **Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

### Section 3 and 6 – Rulemaking

Section 3 would phase in a prohibition of leaded aviation gasoline, which would take effect in airports and aviation retail establishments by the following dates: January 1, 2026, for sites on or adjacent to cleanup sites, overburdened communities, and cities with a population of 700,000 or more; January 1, 2028, for sites located within or adjacent to urban growth areas; and, January 1, 2030, for all other sites.

Section 6 would require Ecology, in consultation with DOH and WSDOT, to offer technical assistance to airport operators that do not submit or implement plans under section 5. Ecology may adopt rules to implement this section, and local air agencies must enforce the requirements in the bill within their jurisdiction.

Ecology assumes that we would conduct rulemaking for the requirements in Section 3 to define the terms, determine the applicability for the ban on leaded aviation gasoline, specify plan submittal requirements, and create the terms for the technical assistance that is required as part of Section 6.

Section 6(2) provides Ecology authority to adopt rules to implement and enforce the requirements of Section 6 of the bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1554 HB	<b>Title:</b> Lead impacts	<b>Agency:</b> 468-Environmental and Land Use Hearings Office
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.1	0.1	0.3	0.3
<b>Account</b>					
General Fund-State 001-1	0	24,284	24,284	70,458	70,458
<b>Total \$</b>	0	24,284	24,284	70,458	70,458

### 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: 01/24/2023
Agency Preparation: Dominga Soliz	Phone: 3606649173	Date: 01/25/2023
Agency Approval: Dominga Soliz	Phone: 3606649173	Date: 01/25/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/26/2023



## Part II: Narrative Explanation

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

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

HB 1554 reduces lead impacts by phasing out leaded aviation gasoline in airports.

Section 3 – Prohibits airport operators and aviation retail establishments from selling and distributing leaded aviation gasoline consistent with a timeline to phase out leaded gasoline depending on airport location. The earliest prohibition occurs on January 1, 2026; the latest occurs on January 1, 2030.

Section 5—By November 1, 2024, each airport operator must submit a plan to Department of Ecology to implement best practices to minimize the impacts and health risks of leaded aviation gasoline.

Section 6 – The Department of Ecology is authorized to implement, administer, and enforce the act. Air pollution control agencies must enforce the act's requirements within their jurisdiction. Violations of the phasing out requirements in Section 3 are subject to a civil penalty of up to \$1,000 per each day the prohibited gasoline is sold. Persons who remain in violation of section 5 thirty days after the offer of technical assistance are subject to civil penalty of up to \$1,000 per day of continued noncompliance.

Section 9 – Amends the Pollution Control Hearings Board's (PCHB's) jurisdiction statute to include appeals of civil penalties imposed under the act.

Section 10 – Amends the PCHB's statute to include civil penalties imposed under the act.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

FISCAL IMPACT to the Pollution Control Hearings Board: YES

ELUHO estimates 3 low complexity appeals per year resulting from this bill.

ELUHO assumes ELUHO's work on these appeals begins in January 2025 (FY 25) following the enforcement process by the Department of Ecology.

ELUHO estimates each appeal resulting from this bill will require approximately 150 hours of Administrative Appeals Judge (AAJ) work to complete (50 pre-hearing hours + 100 hearing and post-hearing hours) x 3 appeals. This estimate is based on a current analysis of AAJ work.

150 hours/appeal x 3 appeals = 450 AAJ hours per FY, ongoing.

Assume New AAJ FTE: The PCHB will need approximately 0.25 FTE for an AAJ with knowledge of environmental law to assist with these new cases, based on the estimated number of AAJ hours per year. RCW 43.21B.005(2) authorizes the

ELUHO director to appoint such AAJs to assist the PCHB. The AAJ 0.25 FTE will not serve as a member of the Boards, but will conduct legal research and writing, mediate cases, draft Board memos and materials, and perform other legal duties to assist the Board.

An AAJ makes \$100,000 per year, plus related benefits estimated at \$32,021 per year, at current benefits rates. The agency needs a 0.25 FTE AAJ, so the salary would be \$100,000 x 0.25 FTE = \$25,000, per FY, ongoing. Related benefits would total \$8,005, per FY, ongoing.

Goods and services are estimated at \$1,875 per year, ongoing, and include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates totaling \$349 per year, ongoing. Also included is one time equipment costs for furniture and computers totaling \$5,557 in FY 25.

Assume no capital budget impact: Currently, ELUHO leases space on the top floor of the State Parks building, Parsons Plaza. We assume we can repurpose space to include the 0.25 FTE if it has a workstation at the ELUHO office. We assume the 0.25 AAJ FTE would be offered the option of working remotely.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	24,284	24,284	70,458	70,458
<b>Total \$</b>			0	24,284	24,284	70,458	70,458

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.1	0.1	0.3	0.3
A-Salaries and Wages		13,000	13,000	50,000	50,000
B-Employee Benefits		4,163	4,163	16,010	16,010
C-Professional Service Contracts					
E-Goods and Other Services		1,382	1,382	3,750	3,750
G-Travel		182	182	698	698
J-Capital Outlays		5,557	5,557		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	24,284	24,284	70,458	70,458

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Appeals Judge	100,000		0.1	0.1	0.3	0.3
<b>Total FTEs</b>			0.1	0.1	0.3	0.3

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*