

Multiple Agency Fiscal Note Summary

Bill Number: 1175 S HB	Title: Petroleum storage tanks
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Revenue	0	0	46,100,000	0	0	29,400,000	0	0	25,300,000
Pollution Liability Insurance Program	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	46,100,000	0	0	29,400,000	0	0	25,300,000

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 Revenue	.1	48,000	48,000	48,000	.0	0	0	0	.0	0	0	0
Department of Revenue	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Ecology	.1	0	0	43,034	.0	0	0	0	.0	0	0	0
Pollution Liability Insurance Program	32.0	0	0	8,338,914	32.0	0	0	8,593,747	32.0	0	0	8,944,722
Total \$	32.2	48,000	48,000	8,429,948	32.0	0	0	8,593,747	32.0	0	0	8,944,722

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Department of Revenue	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Pollution Liability Insurance Program	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

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Prepared by: Lisa Borkowski, OFM

Phone:

(360) 742-2239

Date Published:

Final 2/16/2023

Department of Revenue Fiscal Note

Bill Number: 1175 S HB	Title: Petroleum storage tanks	Agency: 140-Department of Revenue
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
Pollution Liability Reinsurance Program Trust Account-State 01 - Taxes 41 - Petroleum Prods Tax	18,000,000	28,100,000	46,100,000	29,400,000	25,300,000
Total \$	18,000,000	28,100,000	46,100,000	29,400,000	25,300,000

Estimated Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3		0.1		
GF-STATE-State 001-1	48,000		48,000		
Total \$	48,000		48,000		

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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:	Phone:	Date: 02/13/2023
Agency Preparation: Anna Yamada	Phone: (603) 60-534-1519	Date: 02/15/2023
Agency Approval: Valerie Torres	Phone: (603) 60-534-1521	Date: 02/15/2023
OFM Review: Cheri Keller	Phone: (603) 60-584-2207	Date: 02/15/2023

Request # 1175-2-1

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.

Note: This fiscal note reflects language in SHB 1175, 2023 Legislative Session.

This fiscal note only addresses section 17 of the bill, which impacts the Department of Revenue (department).

COMPARISON OF SUBSTITUTE BILL WITH ORIGINAL BILL:

The substitute bill changes the effective date of section 17 to October 1, 2023, providing the department enough time to implement the bill.

CURRENT LAW:

The petroleum products tax (PPT) is a tax on the first possession of petroleum products in Washington. The current tax rate, in effect since July 1, 2021, is 0.15% on the wholesale value of the petroleum products. Proceeds from the PPT fund the pollution liability insurance program trust account.

Thirty days after the end of each calendar quarter the department determines the cash balance in the pollution liability insurance program trust account as of the last day of that calendar quarter, excluding the statutorily required reserves. If the balance of the account is \$7.5 million or less, the department collects the PPT. If the balance is above \$15 million, the department temporarily suspends the PPT at the beginning of the following quarter.

PROPOSAL:

This bill reverts the PPT rate to the rate in effect prior to July 1, 2021. Under this proposal, the effective tax rate will be 0.3%.

The bill also increases the thresholds in the pollution liability insurance program trust account used for determining when the PPT is imposed or suspended. The PPT will be imposed when the balance of the account is \$15 million or less and suspended, at the beginning of the following quarter, when the most recent quarterly balance exceeds \$30 million.

EFFECTIVE DATE:

This bill takes effect on October 1, 2023.

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.

ASSUMPTIONS:

- This estimate uses the non-general fund forecast model for the PPT as of November 2022.
- Growth of the wholesale value of petroleum products will mirror the weighted average price of crude received in refinery inventories, as reported by the Economic and Revenue Forecast Council in November 2022. Thus, revenues will grow as the wholesale value changes.
- Until October 1, 2023, the Pollution Liability Insurance Agency expends on average \$3.5 million each quarter.
- Beginning October 1, 2023, due to this proposal, the Pollution Liability Insurance Agency will expend on average \$8 million each quarter.
- If the cash balance in the pollution liability insurance program trust account exceeds \$7.5 million, the Pollution Liability Insurance Agency will request that the state treasurer transfer any cash balance in excess of \$7.5 million. This maximizes the amount transferred in a fiscal biennium from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account until the total biennium balance in this account

Request # 1175-2-1

exceeds \$20 million (RCW 70A.345.130(2)).

- The department implements this bill on October 1, 2023, impacting eight months of collections in fiscal year 2024.

DATA SOURCES:

- Washington State Economic and Revenue Forecast Council, November 2022 Forecast, seasonally adjusted weighted average price of crude received in refinery inventories (POILRAP)
- Washington State Department of Revenue, Non-General Fund Forecast, November 2022

REVENUE ESTIMATES:

This bill increases revenues for the Pollution Liability Insurance Agency by an estimated \$18 million in the eight months of impacted collections in fiscal year 2024, and by \$28.1 million in fiscal year 2025, for the first full year of impacted collections.

TOTAL REVENUE IMPACT:

State Government (cash basis, \$000):

FY 2024 -	\$ 18,000
FY 2025 -	\$ 28,100
FY 2026 -	\$ 4,700
FY 2027 -	\$ 24,700
FY 2028 -	\$ 30,700
FY 2029 -	(\$ 5,400)

Local Government, if applicable (cash basis, \$000): 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.

ASSUMPTIONS:

This bill affects 125 taxpayers. Expenditures assume an effective date of October 1, 2023.

FIRST YEAR COSTS:

The department will incur total costs of \$48,000 in fiscal year 2024. These costs include:

Labor Costs – Time and effort equate to 0.27 FTE.

- Amend one administrative rule.
- Set up, program, and test computer system changes for the PPT rate change.
- Computer system testing, monitoring, and maintenance.
- Conduct account examinations and assist taxpayers with reporting.

Object Costs - \$17,600.

- Computer system changes, including contract programming.

ONGOING COSTS:

The department will have minimal costs of approximately \$10,000 per fiscal year associated with conducting account examinations and assisting taxpayers with reporting but will absorb these costs within current funding.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3		0.1		
A-Salaries and Wages	19,000		19,000		
B-Employee Benefits	6,300		6,300		
C-Professional Service Contracts	17,600		17,600		
E-Goods and Other Services	3,500		3,500		
J-Capital Outlays	1,600		1,600		
Total \$	\$48,000		\$48,000		

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
EMS BAND 4	126,619	0.0		0.0		
IT SYS ADM-JOURNEY	92,844	0.1		0.1		
MGMT ANALYST4	73,260	0.1		0.1		
TAX POLICY SP 2	75,120	0.0		0.0		
TAX POLICY SP 3	85,020	0.0		0.0		
TAX POLICY SP 4	91,524	0.0		0.0		
WMS BAND 3	107,685	0.0		0.0		
Total FTEs		0.3		0.2		

III. C - 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

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.

Should this legislation become law, the department will use the expedited process to amend WAC 458-20-281, titled: "Petroleum products tax." Persons affected by this rulemaking would include businesses that possess petroleum products in Washington.

Individual State Agency Fiscal Note

Bill Number: 1175 S HB	Title: Petroleum storage tanks	Agency: 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	0.3	0.0	0.2	0.0	0.0
Account					
Underground Storage Tank Account-State 182-1	43,034	0	43,034	0	0
Total \$	43,034	0	43,034	0	0

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:	Phone:	Date: 02/13/2023
Agency Preparation: Lyndsay Gordon	Phone: 360-810-1636	Date: 02/15/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 02/15/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/16/2023

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.

Compared to HB 1175, SHB 1175 has the following change:

- A new section 20 establishes an effective date of October 1, 2023, for Section 17.

This change does not change the fiscal impact to Ecology.

Background: Under Chapter 70A.355 RCW, the Department of Ecology (Ecology) regulates underground storage tank (UST) systems that store petroleum and other hazardous substances to prevent and clean up releases from USTs. Under this program, UST owners and operators must maintain insurance or another type of financial assurance (such as a guarantee) to cover the costs of cleaning up any releases. Currently, there are about 3,400 active regulated UST facilities in Washington. Under Chapter 70A.325 RCW, the Pollution Liability Insurance Agency (PLIA) manages a pollution liability reinsurance program for petroleum UST systems. PLIA currently reinsures more than 2,000 of the approximately 3,400 active regulated USTs facilities in Washington.

The bill would direct PLIA to establish a new state financial assurance program (state fund) to assist UST owners and operators in meeting federal and state financial responsibility requirements for cleaning up releases of petroleum from regulated UST systems. The bill would also require rulemaking by PLIA and Ecology to implement the program.

Section 11: Would require PLIA to undertake rulemaking as necessary to implement the program and authorize interpretive guidance in the interim. The section would also require Ecology to undertake rulemaking to amend chapter 173-360A WAC to allow for the use of a state fund to meet state and federal financial responsibility requirements. The rules must be consistent with and no less stringent than the federal regulations.

Section 15: Would clarify that the program would not affect Ecology's authority under the Model Toxics Control Act (MTCA) or any person's liability under any state or federal law, including MTCA.

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.

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 less than \$50,000 in Fiscal Year (FY) 2024 to implement the requirements of section 11(2).

Note: The Governor's 2023-25 proposed operating budget includes funding for this proposed legislation (UTR – State Financial Assurance Program).

Section 11(2) would require Ecology to undertake rulemaking to amend the UST rule under chapter 173-360A WAC to allow for the use of a state fund to meet state and federal financial responsibility requirements. The rules must be consistent with and no less stringent than the federal regulations.

Ecology assumes rulemaking would be simple and expedited. Ecology estimates rulemaking would require 0.25 FTE of a

Regulatory Analyst 3 one-time in FY 2024. Ecology assumes there would be limited to no involvement by the Attorney General's Office to support the rulemaking.

SUMMARY: The expenditure impact to Ecology under this bill is:
 FY 2024: \$43,034 and 0.29 FTE

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Goods and Services are the agency average of \$5,224 per direct program FTE.

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
182-1	Underground Storage Tank Account	State	43,034	0	43,034	0	0
Total \$			43,034	0	43,034	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.3		0.2		
A-Salaries and Wages	23,460		23,460		
B-Employee Benefits	8,446		8,446		
E-Goods and Other Services	1,306		1,306		
G-Travel	391		391		
J-Capital Outlays	258		258		
9-Agency Administrative Overhead	9,173		9,173		
Total \$	43,034	0	43,034	0	0

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
FISCAL ANALYST 2		0.0		0.0		
IT APP DEV-JOURNEY		0.0		0.0		
REGULATORY ANALYST 3	93,840	0.3		0.1		
Total FTEs		0.3		0.2		0.0

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 11(2) would require Ecology to undertake rulemaking to amend chapter 173-360A WAC to allow for the use of a state fund to meet state and federal financial responsibility requirements. The rules must be consistent with and no less stringent than the federal regulations. Ecology assumes expedited rulemaking would be conducted in FY 2024.

Individual State Agency Fiscal Note

Bill Number: 1175 S HB	Title: Petroleum storage tanks	Agency: 462-Pollution Liability Insurance Program
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	32.0	32.0	32.0	32.0	32.0
Account					
Pollution Liability Insurance Program	4,165,346	4,173,568	8,338,914	8,593,747	8,944,722
Trust Account-State 544-1					
Total \$	4,165,346	4,173,568	8,338,914	8,593,747	8,944,722

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 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:	Phone:	Date: 02/13/2023
Agency Preparation: Phi Ly	Phone: 360-407-0517	Date: 02/14/2023
Agency Approval: Cassandra Garcia	Phone: 360-407-0520	Date: 02/14/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/16/2023

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.

The Substitute House Bill 1175 adds an effective date of October 1, 2023, to the tax collection and account balance management described in Section 17. This does not change expenditure impact to the agency.

The Washington State Pollution Liability Insurance Agency (PLIA) has administered an underground storage tank (UST) reinsurance program since 1990. This program provides for reinsurance of private insurance policies to ensure UST owners and operators can meet federal and state financial responsibility requirements for cleaning up petroleum releases from regulated UST systems. PLIA currently reinsures 70-80% of statewide regulated UST systems which are primarily independent gas station small businesses.

Substitute House Bill 1175 directs PLIA to establish a state financial assurance program to assist UST owners and operators in meeting federal and state financial responsibility requirements while further promoting cleanup of petroleum releases. The bill establishes that through the state financial assurance program PLIA will work directly with UST owners and operators and promptly address releases which pose risks to human health and the environment, and to develop strategies to directly address risks to vulnerable populations and overburdened communities throughout the state.

Substitute House Bill 1175 provides PLIA authority to administer and implement provisions of a state financial assurance program.

Section 1: Describes the purpose and intent of establishing a state financial assurance program.

Section 2: Lists definitions that apply to the new chapter.

Section 3(1-2): Directs PLIA to create and administer a state financial assurance program. It would require development of program requirements for owners and operators of regulated UST systems who seek to participate in the new program.

Section 3(3-4): Authorizes PLIA to make assessments of UST systems to determine program or cost eligibility. It allows the agency to provide financial assurance of up to \$2 million for remedial actions to clean up petroleum releases if the release occurred while the tank is registered in the program and to provide financial assurance of up to \$1 million for remedial actions for releases prior to tank registration.

Section 3(5): Sets a financial assurance limit of \$3 million in aggregate if there are multiple occurrences in a fiscal year from the same tank.

Section 3(6-7): Allows PLIA to prioritize financial assurance for releases that pose threats to human health and the environment and vulnerable population or overburdened community, and to prioritize financial assurance of direct claims over third-party claims.

Section 3(8): Allows PLIA to establish a range of eligible costs for remedial actions and third-party claims.

Section 3(9): States PLIA may require an agency representative be present during removal of a registered UST.

Section 4: Allows PLIA to collect program fees not to exceed \$25,000 per a tank system per year. It requires the agency to conduct rulemaking in establishing program fee(s) UST owners and operators will pay to register in the program and contribute during cleanup.

Section 5: Allows PLIA, with support from the Attorney General's Office (AGO), to cost recover overpayments including

pursuing the filing of a lien and commencing a civil action, particularly when program fraud is discovered.

Section 6: Provides financial assurance requirements allowing agency access on real property to conduct remedial actions.

Section 7: Gives authority for PLIA to prioritize and directly conduct remedial actions in overburdened communities when there is an emergency even if a UST is not registered in the program and if the owner provides consent. The section allows the agency to pursue cost recovery of any costs of remedial actions incurred under this section.

Section 8: Establishes agency authority to pursue cost recovery through lien filing. Excludes UST system owned by a local government.

Section 9: Provides for use of the pollution liability insurance trust account created in RCW 70A.325.020 for the purposes of the state financial assurance program.

Section 10: Requires PLIA to publish a financial report biennially on administrative and other expenses to include quarterly loss and surplus reserves required and to notify the Department of Revenue quarterly.

Section 11: Requires the agency to adopt rules necessary to carry out the provisions of the bill and allows the agency to implement the program through interpretative guidance pending rule adoption.

Section 12: Provides for a process for dispute resolution of decisions related to program eligibility, allowable costs, and third-party claims. Includes adjudicative hearings under chapter 34.05 RCW.

Section 13: States that establishment and administration of state financial assurance program does not create any liability on the agency or the state. When program funds are insufficient to meet payment requests, the agency can prioritize payments for releases posing imminent threat to human health and the environment once program funds become available.

Section 14: Agency officers, employees, and authorized representatives are immune from civil liability in administration of the program.

Section 16: Expiration of chapter is July 1, 2030.

Section 17(1): Amends RCW 82.23A.020. It removes the 0.15% tax rate effective July 1, 2021, and reverts the tax rate to 0.30%.

Section 17(4)(a) Changes quarterly cash balance determination to thirty (30) million dollars (ceiling); and

Section 17(4)(b) Changes quarterly cash balance determination to fifteen (15) million dollars (floor).

Section 18(1): Amends RCW 70A.325.020 to update which moneys shall be deposited in the pollution liability insurance trust account.

Section 18(3): Strikes out appropriations to the completed leaking tank model remedies activity.

Section 19: Amends RCW 43.79A.040(4)(b) to include the pollution liability insurance trust account for interest revenue.

Section 20: States the effective date of Section 17 is October 1, 2023.

Section 21: States the expiration of section 19 is July 1, 2030.

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.

The Substitute House Bill 1175 adds an effective date of October 1, 2023, to the tax collection and account balance management. Department of Revenue has assumed this effective date in the fiscal note estimates.

Assumptions and revenue estimates from the petroleum products tax are provided by the Department of Revenue fiscal note.

PLIA anticipates cash receipts from the following.

(1) Section 4. Enrollment and/or program fees. These are indeterminate receipts dependent on the fees charged and number of UST owners and operators who choose to enroll in the program. The fee amounts paid by UST owners and operators seeking to register the UST system in the state financial assurance program will be identified through rule.

(2) Sections 5, 7, 8. Cost recovery. These are indeterminate receipts which includes moneys returned to the agency for emergency cleanup activities, recovery of program overpayments, and moneys recovered from other parties liable for program fraud.

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 changes in the substitute bill do not change the expenditure impact to PLIA.

Substitute House Bill 1175 provides for development, implementation and administration of a new agency program, the State Financial Assurance Program. To meet the provisions of Sections 3, 6, 7, 8, 10, and 11, the agency anticipates expenses related to the following.

(1) Increased staffing needed for development and administration of the new program and to address increased demand for the agency's other programs. PLIA has identified the need for thirty-two (32) full time equivalent (FTE) positions based on the anticipated number of program participants and historical level of reinsurance claims.

(2) Increased costs for AGO assistance with cost recovery activities and other legal activities.

(3) Expansion of the agency's existing IT solution (operations) to accommodate the administration of the new program.

FIRST YEAR COSTS:

The agency would incur estimated total costs of \$4,165,346 in Fiscal Year 2024 to implement the bill. These costs reflect expenditures for recruitment of staff positions dedicated to establishing and administering the program while also performing the marketing and outreach to statewide customers, AGO support, and costs associated with expansion of the agency's current IT data infrastructure which is already used for the agency's other programs. Although the agency has identified a need of full program staffing, PLIA recognizes that there may be challenges to hiring. Staffing expenditure is expected to continue for the duration of the state financial assurance program administration and will be considered as ongoing agency operations.

Increased staffing is necessary because current agency staffing is at capacity meeting existing business needs. Administration of the financial assurance program would require dedicated staff with technical experience and expertise. These positions include technical project managers, financial payment reviewers, facility assessors and administrative support. Other positions required to implement the program established in the bill include an underwriter, equity and tribal coordinator, application and program eligibility reviewers, grants and contracts managers, public records support, and policy and rulemaking support.

The IT system expansion costs total \$770,962, with \$391,481 for FY24, and \$379,481 for FY25.

ONGOING COSTS

The agency anticipates maintaining the increased staffing levels for the duration of program administration. This will be an ongoing expense that considers increases to meet salary and benefits adjustments.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
544-1	Pollution Liability Insurance Program Trust Account	State	4,165,346	4,173,568	8,338,914	8,593,747	8,944,722
Total \$			4,165,346	4,173,568	8,338,914	8,593,747	8,944,722

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	32.0	32.0	32.0	32.0	32.0
A-Salaries and Wages	2,148,986	2,363,885	4,512,871	5,460,573	5,720,600
B-Employee Benefits	751,634	826,797	1,578,431	1,909,902	2,000,850
C-Professional Service Contracts	758,250	634,250	1,392,500	826,000	826,000
E-Goods and Other Services	307,200	244,080	551,280	188,160	188,160
G-Travel	104,556	104,556	209,112	209,112	209,112
J-Capital Outlays	94,720		94,720		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	4,165,346	4,173,568	8,338,914	8,593,747	8,944,722

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 Assistant 3	45,852	1.0	1.0	1.0	1.0	1.0
Assessor (Underwriter)	85,000	1.0	1.0	1.0	1.0	1.0
Assurance Manager	100,000	1.0	1.0	1.0	1.0	1.0
Benefits Marketing Representative	61,632	1.0	1.0	1.0	1.0	1.0
Community Outreach & EES 2	51,888	1.0	1.0	1.0	1.0	1.0
Environmental Planner 2	60,156	4.0	4.0	4.0	4.0	4.0
Environmental Planner 3	71,520	2.0	2.0	2.0	2.0	2.0
Environmental Specialist 4	63,216	4.0	4.0	4.0	4.0	4.0
Fiscal Analyst 3	58,704	2.0	2.0	2.0	2.0	2.0
Forms & Records Analyst 3	53,100	1.0	1.0	1.0	1.0	1.0
Grant & Contract Coordinator Lead	60,156	1.0	1.0	1.0	1.0	1.0
Hydrogeologist 2	68,076	6.0	6.0	6.0	6.0	6.0
Hydrogeologist 3	78,900	1.0	1.0	1.0	1.0	1.0
IT APP Development -Journey	86,268	1.0	1.0	1.0	1.0	1.0
Program specialist 4	61,632	2.0	2.0	2.0	2.0	2.0
Records management supervisor	69,756	1.0	1.0	1.0	1.0	1.0
Regulatory Analyst 2	75,120	1.0	1.0	1.0	1.0	1.0
Regulatory Analyst 3	82,896	1.0	1.0	1.0	1.0	1.0
Total FTEs		32.0	32.0	32.0	32.0	32.0

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.

Substitute House Bill 1175 requires PLIA to conduct rulemaking on program administration. Although the bill language provides for the use of program guidance during the rulemaking process, the agency anticipates a robust rulemaking effort immediately following establishment of the state financial assurance program. This effort will require engaging directly with statewide UST owners/operators, stakeholder groups, and state and federal agencies. Agency rulemaking will comply with the state's Administrative Practice Act and likely require procurement of a Small Business Economic Impact Statement.



Multiple Agency Ten-Year Analysis Summary

Bill Number 1175 S HB	Title Petroleum storage tanks
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This ten-year analysis is limited to the estimated cash receipts associated with the proposed tax or fee increases.

Estimated Cash Receipts

	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Department of Revenue	18,000,000	28,100,000	4,700,000	24,700,000	30,700,000	-5,400,000	29,800,000	33,100,000	-19,000	34,400,000	198,081,000
Department of Ecology	0	0	0	0	0	0	0	0	0	0	0
Pollution Liability Insurance Program Indeterminate Impact	0	0	0	0	0	0	0	0	0	0	0
Total	18,000,000	28,100,000	4,700,000	24,700,000	30,700,000	-5,400,000	29,800,000	33,100,000	-19,000	34,400,000	198,081,000



Ten-Year Analysis

Bill Number 1175 S HB	Title Petroleum storage tanks	Agency 140 Department of Revenue
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Fiscal Year 2028	Fiscal Year 2029	Fiscal Year 2030	Fiscal Year 2031	Fiscal Year 2032	Fiscal Year 2033	2024-33 TOTAL
Petroleum products tax	544	18,000,000	28,100,000	4,700,000	24,700,000	30,700,000	(5,400,000)	29,800,000	33,100,000	(19,000)	34,400,000	198,081,000
Total		18,000,000	28,100,000	4,700,000	24,700,000	30,700,000	(5,400,000)	29,800,000	33,100,000	(19,000)	34,400,000	198,081,000
Biennial Totals		46,100,000		29,400,000		25,300,000		62,900,000		34,381,000		198,081,000

Narrative Explanation (Required for Indeterminate Cash Receipts)

Note: This fiscal note reflects language in SHB 1175, 2023 Legislative Session.

This fiscal note only addresses section 17 of the bill, which impacts the Department of Revenue (department).

COMPARISON OF SUBSTITUTE BILL WITH ORIGINAL BILL:
 The substitute bill changes the effective date of section 17 to October 1, 2023, providing the department enough time to implement the bill.

CURRENT LAW:
 The petroleum products tax (PPT) is a tax on the first possession of petroleum products in Washington. The current tax rate, in effect since July 1, 2021, is 0.15% on the wholesale value of the petroleum products. Proceeds from the PPT fund the pollution liability insurance program trust account.

Thirty days after the end of each calendar quarter the department determines the cash balance in the pollution liability insurance program trust account as of the last day that calendar quarter, excluding the statutorily required reserves. If the balance of the account is \$7.5 million or less, the department collects the PPT. If the balance is above \$15 million, the department temporarily suspends the PPT at the beginning of the following quarter.

PROPOSAL:



Ten-Year Analysis

Bill Number	Title	Agency
1175 S HB	Petroleum storage tanks	140 Department of Revenue

This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Narrative Explanation (Required for Indeterminate Cash Receipts)

This bill reverts the PPT rate to the rate in effect prior to July 1, 2021. Under this proposal, the effective tax rate will be 0.3%.

The bill also increases the thresholds in the pollution liability insurance program trust account used for determining when the PPT is imposed or suspended. The PPT will be imposed when the balance of the account is \$15 million or less and suspended, at the beginning of the following quarter, when the most recent quarterly balance exceeds \$30 million.

EFFECTIVE DATE:

This bill takes effect on October 1, 2023.

ASSUMPTIONS:

- This estimate uses the non-general fund forecast model for the PPT as of November 2022.
- Growth of the wholesale value of petroleum products will mirror the weighted average price of crude received in refinery inventories, as reported by the Economic and Revenue Forecast Council in November 2022. Thus, revenues will grow as the wholesale value changes.
- Until October 1, 2023, the Pollution Liability Insurance Agency expends on average \$3.5 million each quarter.
- Beginning October 1, 2023, due to this proposal, the Pollution Liability Insurance Agency will expend on average \$8 million each quarter.
- If the cash balance in the pollution liability insurance program trust account exceeds \$7.5 million, the Pollution Liability Insurance Agency will request that the state treasurer transfer any cash balance in excess of \$7.5 million. This maximizes the amount transferred in a fiscal biennium from the pollution liability insurance program trust account into the pollution liability insurance agency underground storage tank revolving account until the total biennium balance in this account exceeds \$20 million (RCW 70A.345.130(2)).
- The department implements this bill on October 1, 2023, impacting eight months of collections in fiscal year 2024.

DATA SOURCES:

- Washington State Economic and Revenue Forecast Council, November 2022 Forecast, seasonally adjusted weighted average price of crude received in refinery inventories (POILRAP)
- Washington State Department of Revenue, Non-General Fund Forecast, November 2022

REVENUE ESTIMATES:

This bill increases revenues for the Pollution Liability Insurance Agency by an estimated \$18 million in the eight months of impacted collections in fiscal year 2024, and by \$28.1 million in fiscal year 2025, for the first full year of impacted collections.



Ten-Year Analysis

Bill Number 1175 S HB	Title Petroleum storage tanks	Agency 140 Department of Revenue
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Narrative Explanation (Required for Indeterminate Cash Receipts)

<p>TOTAL REVENUE IMPACT:</p> <p>State Government (cash basis, \$000):</p> <p>FY 2024 - \$ 18,000</p> <p>FY 2025 - \$ 28,100</p> <p>FY 2026 - \$ 4,700</p> <p>FY 2027 - \$ 24,700</p> <p>FY 2028 - \$ 30,700</p> <p>FY 2029 - (\$ 5,400)</p> <p>Local Government, if applicable (cash basis, \$000): None</p>

Agency Preparation: Anna Yamada	Phone: 360-534-1519	Date: 2/15/2023 10:23:26 am
Agency Approval: Valerie Torres	Phone: 360-534-1521	Date: 2/15/2023 10:23:26 am
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 1175 S HB	Title Petroleum storage tanks	Agency 461 Department of Ecology
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Name of Tax or Fee	Acct Code												
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Agency Preparation: Lyndsay Gordon	Phone: 360-810-1636	Date: 2/15/2023 2:14:00 pm
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 2/15/2023 2:14:00 pm
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 1175 S HB	Title Petroleum storage tanks	Agency 462 Pollution Liability Insurance Program
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code											
Total												

Biennial Totals

Narrative Explanation (Required for Indeterminate Cash Receipts)

The Substitute House Bill 1175 adds an effective date of October 1, 2023, to the tax collection and account balance management described in Section 17. The Department of Revenue has already assumed this effective date in the fiscal note estimates.

Assumptions and revenue estimates from the petroleum products tax are provided by the Department of Revenue fiscal note included with the agency request submission.

PLIA anticipates cash receipts from the following:

Section 4. Enrollment and/or program fees. These are indeterminate receipts dependent on the fees charged and number of UST owners and operators who choose to enroll in the program. The fee amounts paid by UST owners and operators seeking to register the UST system in the state financial assurance program will be identified through rule.

Agency Preparation: Phi Ly	Phone: 360-407-0517	Date: 2/14/2023 4:57:00 pm
Agency Approval: Cassandra Garcia	Phone: 360-407-0520	Date: 2/14/2023 4:57:00 pm
OFM Review:	Phone:	Date: