

Multiple Agency Fiscal Note Summary

Bill Number: 5245 S SB	Title: Biosolids
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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 Ecology	0	0	0	0	0	722,406	0	0	1,016,845
Total \$	0	0	0	0	0	722,406	0	0	1,016,845

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	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.2	49,000	49,000	49,000	.3	124,000	124,000	124,000	.0	0	0	0
Department of Ecology	12.1	0	0	3,816,315	6.0	0	0	1,685,633	3.7	0	0	1,016,845
Total \$	12.3	49,000	49,000	3,865,315	6.3	124,000	124,000	1,809,633	3.7	0	0	1,016,845

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

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Estimated Capital Budget Breakout

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Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Final 3/ 6/2023
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Individual State Agency Fiscal Note

Bill Number: 5245 S SB	Title: Biosolids	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating 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:	Phone:	Date: 02/12/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 02/15/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/15/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/15/2023

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 Attorney General's Office (AGO) Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload. The Department of Ecology (Ecology) will require only a modest level of legal advice for the development and issuance of a general order to biosolids facilities by January 1, 2027. This assumption would also apply for the development and adoption of rules to establish pollutant limits for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) in biosolids, along with sampling and testing methods. Rulemaking would occur from January 1, 2027 through December 31, 2028. ECY assumes new legal services are nominal. Therefore, costs are not included in this request.

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.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

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.

Individual State Agency Fiscal Note

Bill Number: 5245 S SB	Title: Biosolids	Agency: 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	0.0	0.3	0.2	0.3	0.0
Account					
General Fund-State 001-1	0	49,000	49,000	124,000	0
Total \$	0	49,000	49,000	124,000	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: 02/12/2023
Agency Preparation: Katie Osete	Phone: 3602363000	Date: 02/17/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 02/17/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 02/18/2023

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.

SB 5245: Originally set the pollutant limit deadline at July 1st, 2025. The pollutant limits were “based on” EPA’s risk assessment rather than “in consideration of.” Notification of biosolids application was to adjacent landowners rather than residents. There was no mention of basing the pollutant limits on state-specific data. Second generation biosolids and residential/garden use biosolids were not excluded from bulk biosolids definition.

The fiscal impact to the Department of Health (DOH) in Bill S SB 5245 are in:

Section 4: Directs Ecology (ECY) to establish pollutant limits for PFAS in biosolids by Dec. 30, 2026, based on state-specific data and in consideration of EPA’s forthcoming risk assessment. ECY is also to produce a report on state levels of PFAS in biosolids by July 1, 2026. ECY assumes that toxicologists from ECY and DOH would begin to perform a risk assessment on Jan.1, 2025.

Section 7: Directs ECY to consult with an advisory committee of experts, interested parties, and other stakeholders on pollutant limits for PFAS in biosolids. ECY assumes that DOH toxicologists would participate on the advisory committee, including presenting preliminary findings and recommendations.

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: Directs Ecology to establish pollutant limits for PFAS in biosolids by Dec.30, 2026, based on state-specific data and in consideration of EPA’s forthcoming risk assessment. ECY assumes that toxicologists from ECY and DOH would begin to perform a risk assessment on Jan.1, 2025.

DOH assumes the need for 0.50FTE [TOX3] per year from Jan. 1, 2025- Sep. 30, 2026, who would:

- Research scientific literature and state databases for information on PFAS in biosolids
- Review data on PFAS in biosolids in WA from ECY/EAP
- Review EPA’s expected risk assessment on PFOS and PFOA in biosolids
- Perform a human health risk assessment to establish pollutant levels for multiple PFAS in biosolids for Washington State.

Section 7: Directs ECY to consult with an advisory committee of experts, interested parties, and other stakeholders on pollutant limits for PFAS in biosolids. ECY assumes that DOH toxicologists would participate on the advisory committee, including presenting preliminary findings and recommendations.

DOH assumes this work with the advisory committee is included in the estimated costs for Section 4.

Total Cost for FN:

Fiscal Year 2025: \$49,000 and 0.30 FTE

Fiscal Year 2026: \$98,000 and 0.50 FTE
 Fiscal Year 2027: \$26,000 and 0.10 FTE

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	49,000	49,000	124,000	0
Total \$			0	49,000	49,000	124,000	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	0.3	
A-Salaries and Wages		31,000	31,000	78,000	
B-Employee Benefits		10,000	10,000	27,000	
E-Goods and Other Services		6,000	6,000	14,000	
T-Intra-Agency Reimbursements		2,000	2,000	5,000	
Total \$	0	49,000	49,000	124,000	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
TOXICOLOGIST 3	103,572		0.3	0.2	0.3	
Total FTEs			0.3	0.2	0.3	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

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

Bill Number: 5245 S SB	Title: Biosolids	Agency: 461-Department of Ecology
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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
Biosolids Permit Account-State 199-1				722,406	1,016,845
Total \$				722,406	1,016,845

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	10.6	13.7	12.1	6.0	3.7
Account					
Biosolids Permit Account-State 199-1	0	0	0	722,406	1,016,845
Model Toxics Control Operating Account-State 23P-1	1,915,571	1,900,744	3,816,315	963,227	0
Total \$	1,915,571	1,900,744	3,816,315	1,685,633	1,016,845

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: 02/12/2023
Agency Preparation: Lori Peterson	Phone: 360-280-4075	Date: 03/01/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 03/01/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 03/06/2023

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 SB 5245, SSB 5245 has the following substantive changes.

Section 4 (6) delays the date Ecology must establish pollutant limits for PFAS chemicals in biosolids from July 1, 2025, to December 30, 2026, and requires the limits to be based on state specific data gathered through the study of biosolids in Washington State.

Authorizes Ecology, if it is not able to complete, with reasonable diligence, the rulemaking establishing the limits by December 30, 2026, to issue a general order to biosolids facilities within the state requiring compliance with any initial PFAS limits determined by Ecology until a permanent rule is in effect.

The previous section 4(7) is removed, which removes provisions directing the program to ensure that biosolids are tested for PFAS chemicals for which a pollutant limit has been established.

The new section 4(7) requires Ecology to complete an analysis of the levels of PFAS chemicals in biosolids produced in Washington and provide a report of the analysis to the Legislature and members of the public by July 1, 2026.

These changes would change Ecology's fiscal impact.

Under current law, Chapter 70A.226 RCW and Chapter 173-308 WAC, Ecology issues and administers permits for biosolids management to maximize beneficial use in a manner that minimizes risk to public health and the environment.

This bill would modify biosolid permitting and handling requirements in Chapter 70A.226 RCW.

Section 3 would define "bulk biosolids." This definition would exclude second generation biosolids products covered under section 4.6.1 of the Washington State General Permit for Biosolids Management, and biosolids sold or given away for residential or garden use.

Section 4 (3) would require biosolids rules to require written notice be provided to residents of properties adjacent to land application sites before the land application of bulk biosolids is approved.

Section 4 (5) would require transporters of bulk biosolids to carry a manifest or similar document specifying that they are transporting biosolids regulated under Chapter 70A.226 RCW, and what is in the biosolids.

Section 4 (6) would require Ecology, by December 30, 2026, to establish pollutant limits for per- and polyfluoroalkyl substances (PFAS) in biosolids, based on state specific data gathered through the study of biosolids in Washington State. Ecology would consider the results of the United States Environmental Protection Agency's (EPA's) risk assessment for PFAS in biosolids, if available, and other accredited risk assessment tools. Ecology would be authorized to issue a general order to biosolids facilities requiring compliance with any initial PFAS limits until a rule permanently establishing the limits is in effect, if Ecology is unable, with reasonable diligence, to complete the rulemaking to establish PFAS pollutant limits by December 30, 2026.

Section 4 (7) would require Ecology to complete an analysis of levels of PFAS in biosolids produced in Washington state and provide a report of the analysis to the legislature and the public by July 1, 2026.

Section 4 (8) would prohibit land application of biosolids exceeding established PFAS pollutant limits.

Section 5 would require Ecology to publish and maintain a publicly accessible online map or list of the locations of parcels where bulk biosolids have been approved for land application and would authorize local health departments (LHDs) to maintain a map or list of parcels within their jurisdictions if Ecology and the LHD agree.

Section 6 would amend RCW 70A.226.030 to add testing and mapping to the list of costs Ecology may recover through the biosolids permit fees as established in WAC 173-308-320.

Section 7 would require Ecology to consult with an advisory committee of experts, interested parties, and others prior to adopting or amending any rules relating to biosolids pollutant limits for PFAS chemicals to ensure appropriate input is received.

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 cash receipts impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2027 and ongoing for fee revenue based on estimated costs for sections 4, 5, and 7.

Under RCW 70A.226.030, Ecology recovers costs to administer the biosolids permit program through biosolids permit fees, which are deposited in the Biosolids Permit Account.

Ecology assumes the costs to implement the bill are fee-eligible after rulemaking to adjust fees above the annual fiscal growth factor is complete, beginning in FY 2027. The estimated increase to fee revenue is based on estimated costs by fiscal year.

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 each fiscal year thereafter to implement the requirements of sections 4, 5, 6, and 7.

Ecology assumes until the biosolids rule, WAC 173-308-320, are amended to authorize Ecology to adjust fees above the fiscal growth factor in order to recover future costs to implement the requirements of this legislation, the costs to implement the provisions of sections 4, 5, 6, and 7 would be funded with MTCA – Operating in fiscal years 2024, 2025, and 2026.

All costs to implement the requirements of sections 4, 5, and 7 are estimated in the Biosolids Permit Account starting in FY 2027.

Assumptions for Biosolids Products of Exceptional Quality

In the fiscal note for the previous version of this bill, Ecology assumed all biosolids products of exceptional quality described in section 4.6.1 of the Washington State General Permit for Biosolids Management would be exempted from the bulk biosolids requirements in section 4, based on the exemptions for these products specified in rule (WAC 173-308-200) under current law.

Ecology assumes the exemption of second generation biosolids products of exceptional quality in the definition of bulk biosolids in section 3 would require first generation biosolids products of exceptional quality to meet the requirements for bulk biosolids in section 4. Because this new requirement would supersede current rules, the added bulk biosolids

requirements for first generation biosolids products of exceptional quality would require an additional rule modification and increase the number of permittees and businesses requiring technical assistance for the new requirements.

Rulemaking - Notification and Transport Documentation Requirements and Biosolids Fee (Section 4 (3) and 4 (5) and Section 6)

Ecology assumes modification of Chapter 173-308 WAC to require written notice be provided to residents of properties adjacent to land application sites before the land application of bulk biosolids is approved, to require transporters of bulk biosolids to carry a manifest or similar document specifying that they are transporting biosolids would be required, and to change or eliminate existing exemptions in rule (WAC 173-308-200) for tracking land application of and providing notification of land application of bulk biosolids treated to Exceptional Quality. In addition, Ecology would amend WAC 173-308-320, the permit fee structure, to allow Ecology to adjust fees above the annual fiscal growth factor in order to recover future costs to implement the requirements of this legislation.

Ecology estimates rulemaking would require twenty-four months, with a three-month active lead time to coordinate the rulemaking schedule with the agency rulemaking unit, prepare a website, and prepare the CR-101 for filing.

Rulemaking would begin October 1, 2023, with the filing of the CR-101, and end with rule adoption on September 30, 2025. This type of rulemaking would include four preproposal meetings to gather input from interested parties, and two public hearings to accept comments on the rule proposal.

Rulemaking Administrative Coordinator: A Regulatory Analyst 3 (RA-3) would oversee the rulemaking process to comply with the Administrative Procedures Act; coordinate with the rulemaking lead to prepare the rule development and communication plan; coordinate with the agency regulatory staff on the economic and regulatory impact analysis, and support filing the CR-101, CR-102, and the CR-103 for adoption. This would require an estimated workload of 0.08 FTE in FY 2024, 0.10 FTE in FY 2025, and 0.03 FTE in FY 2026.

Rulemaking Lead: An Environmental Planner 4 (EP-4) would provide policy expertise, lead the rulemaking effort, prepare, and revise rule language, lead public meetings and hearings, and work with other program staff as needed to execute the rule development plan, with an estimated workload of 0.56 FTE in FY 2024, 0.75 FTE in FY 2025, and 0.19 FTE in FY 2026.

Technical Support: An Environmental Specialist 5 (ES-5) would collect data, support analysis of potential policy outcomes, provide support to the rulemaking lead and subject matter experts, and coordinate with communications staff to provide technical support for public outreach, including regional support. This would require 0.38 FTE in FY 2024, 0.50 FTE in FY 2025, and 0.13 FTE in FY 2026.

A Budget Analyst 4 would be needed to ensure modified fee structure is sufficient, but does not exceed, the cost increases to implement the bill. This would require 0.04 FTE in FY 2024, 0.05 FTE in FY 2025, and 0.01 FTE in FY 2026.

Communications and outreach support is included to ensure adequate public engagement in the rulemaking process. The following positions would support public engagement:

Communications Lead: A Communications Consultant 5 (CC-5) would coordinate an outreach strategy and media engagement. This would require 0.03 FTE in FY 2024, 0.04 FTE in FY 2025, and 0.01 FTE in FY 2026.

Website Developer: A Communications Consultant 3 (CC-3) would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.03 FTE in FY 2024, 0.04 FTE in FY 2025, and 0.01 FTE in FY 2026.

Outreach Coordinator: A Community Outreach and Environmental Education Specialist 3 (COEES-3) would facilitate the

pre-proposal and other meetings, manage the rule comments platform, and help with e-mail, website, and public engagement. This would require 0.06 FTE in FY 2024, 0.08 FTE in FY 2025, and 0.03 FTE in FY 2026.

Technical support staff would conduct targeted outreach to overburdened communities and vulnerable populations across the state throughout the rulemaking process. This is estimated to require 0.08 FTE EP-3 in FY 2024, 0.10 FTE in FY 2025, and 0.03 FTE in FY 2026.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.25 FTE in FY 2025; Regulatory Analyst 2, 0.10 FTE in FY 2025.

Ecology would hold two meetings in FY 2024, and two meetings and two hearings in FY 2025. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting.

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 (ATGO) would be needed to provide legal support for rulemaking, and no additional costs are estimated for AAG assistance.

Notification Requirements (Section 4 (3))

During the second fiscal year of rulemaking, Ecology would create a form through an existing portal for those who are seeking approval for bulk land application to submit their attestation and documentation that they have provided written notification to owners of adjacent properties. This would be associated with a database to track and store the information provided in these submissions. The form and database would be available for use when the rule is adopted.

An ES-5 would coordinate with Information Technology staff on form design and data requirements for the database, considering data needs for the map or list of parcels required in section 5, and would train other regional staff in the form and data use. The estimated time required is 0.37 FTE ES-5 in FY 2025.

An IT Business Analyst – Journey (ITBA-Journey) would coordinate with the subject matter expert lead to gather requirements to frame system needs, develop, and oversee user testing, develop user system guidance, and assist with system design. The estimated time required is 0.15 FTE ITBA-Journey in FY 2025 for user form submission and application database development and refinement.

An IT Application Developer – Journey (ITAP-Journey) would develop the user form and database interface for those who are seeking approval for bulk land application, in consultation with the subject matter expert and ITBA-Journey. The estimated time required is 0.30 FTE ITAP-Journey in FY 2025 for application portal and database development, and 0.05 FTE ITAP-Journey in FY 2026 and ongoing each fiscal year thereafter for ongoing system and database.

Once the system is established, regional biosolids coordinators would provide outreach and technical assistance to permittees and businesses applying bulk biosolids and ensure compliance with notification requirements. The estimated workload is 0.25 FTE ES-5 in FY 2026, reducing to 0.10 FTE ES-5 in FY 2027 and ongoing each fiscal year thereafter.

Transport Documentation Requirements (Section 4 (5))

Ecology would require transporters of bulk biosolids to carry records indicating the materials they are transporting are subject to Chapter 70A.226 RCW. Regional staff would provide guidance to permittees for accessing and completing the required documentation after the rule is adopted. Ecology estimates 0.17 FTE ES-5 in FY 2026, reducing to 0.05 FTE ES-5 in FY 2027 and ongoing each fiscal year thereafter to provide technical assistance to bulk biosolids transporters.

Map for Bulk Biosolid Land Application Parcels (Section 5)

For an online map or list of the locations of parcels where bulk biosolids have been approved for land application, Ecology estimates the following staff needs.

An ES-5 geographic information systems (GIS) specialist would prepare available data collected to date on bulk biosolids land applications and coordinate with the GIS specialist below to prepare the data for incorporation into a publicly accessible map. The notification attestation form and associated database would collect data for future notifications in a format that would be easily incorporated into the map. The estimated staff time needed is 0.50 FTE ES-5 in FY 2024.

A Communications Consultant 3 (CC-3) would coordinate with the ES-5 to establish a public website for the map. This would require 0.08 FTE CC-3 in FY 2024.

A GIS specialist IT Data Management – Journey (ITDM-Journey) would work with the ES-5 to clean up the data and prepare the map. The estimated staff needed is 0.17 FTE ITDM-Journey in FY 2024.

Ecology assumes the regional biosolids specialists (ES-5) would provide ongoing map updates as bulk biosolids land application approvals are made. Biosolids staff would require GIS training to maintain the map and update land application location data on an ongoing basis. For ongoing map updates, Ecology assumes land applications would occur between March and October (8 months a year), and each specialist would need to dedicate about 17 hours a month during this period to add new locations to the map. Total estimated time needed for GIS training and updating the map on an ongoing basis is 0.27 FTE ES-5 in FY 2024 and 0.60 FTE ES-5 each year, beginning in FY 2025.

Analysis of PFAS in Washington State Biosolids and Legislative Report (Section 4 (7))

Section 4 (7) would require Ecology to prepare an analysis of PFAS in Washington State biosolids and provide a report of the analysis to the public and the Legislature by July 1, 2026.

Ecology assumes the analysis of PFAS in biosolids required in Section 4 (7) would be conducted by the Environmental Assessment Program (EAP). The analysis would begin July 1, 2023, and be completed by March 1, 2026, to provide time for the Solid Waste Management (SWM) Program biosolids specialist to review the analysis and prepare for submittal to the Legislature.

Ecology assumes we would conduct the sampling and lab analysis given the limited ability for outside labs to analyze PFAS in biosolids and EAP's existing expertise in being able to meet the quality standards, timeline, and report necessary for this project.

There are currently 382 biosolids facilities operating under the statewide general permit. Of these facilities, 157 send materials to another permitted biosolids facility for further treatment. The remaining 225 facilities produce materials that meet the standards for land application, and are land applied and/or beneficially used. Ecology assumes it would need to collect biosolids samples at all 225 facilities in order to best determine the level of PFAS chemicals in biosolids statewide. An alternative approach would be to focus sampling efforts on the facilities that generate the largest quantities of biosolids. Roughly 15 facilities currently produce 50 percent of the state's biosolids. However, the majority of these facilities are associated with larger cities. Limiting the sample size to these facilities would exclude data from many rural areas.

Ecology assumes sampling would be needed quarterly based on the following: EPA's National Pollutant Discharge Elimination System (NPDES) permits for known manufacturers of PFAS compounds require PFAS monitoring of effluent at a minimum frequency of once per quarter. Some NPDES permits require more frequent monitoring. While standards have not been established for PFAS monitoring in biosolids, quarterly monitoring would identify and control for potential

variability in PFAS content over the course of a year.

Ecology assumes the project would start July 1, 2023, with hiring, training, study design, project plan development, and sample collection planning. Ecology assumes collections of biosolids samples at 225 facilities would be conducted every quarter for one year (January 1, 2024 - December 31, 2024), with allowance for up to three additional months to address potential sampling delays due to weather or other unforeseen circumstances.

Estimates for sampling workload are based on a recent project sampling groundwater in the Lower Yakima Valley, which entailed sampling approximately 170 sites on a quarterly basis by two field staff in one region. For this biosolids project, we assume we would need two teams of two staff each, one in western Washington and one in eastern Washington.

Estimated sampling workload is as follows:

Project lead to coordinate hiring, provide training, prepare the study design, develop the project and sample collection plans, coordinate with the other positions described below, and compile the lab analysis data for data validation and statistical analysis: 1.0 FTE Natural Resource Scientist 3 (NRS-3) each year in FY 2024 and FY 2025.

Field staff to collect samples: 3.0 FTE Natural Resource Scientist 2 (NRS-2) in FY 2024, and 3.0 FTE in FY 2025. Two positions would be stationed in western Washington and two would be stationed in eastern Washington. These positions would travel to the facilities to collect the biosolids samples and arrange for transport of the samples to the Manchester Environmental Laboratory.

Administrative support for scheduling facility visits and follow-up communication with facilities: 0.5 FTE Administrative Assistant 3 (AA-3) each year in FY 2024 and FY 2025.

Because the analysis would inform regulatory decision-making, Ecology assumes a Quality Assurance Project Plan (QAPP) would be needed for the analysis.

Quality assurance officer support for QAPP development: 0.1 FTE Chemist 4 (CHEM-4) in FY 2024.

Publications support for QAPP development: 0.1 FTE Communications Consultant 2 (CC-2) in FY 2024.

Statistician support for sample design: 0.10 FTE Natural Resource Scientist 4 (NRS-4) in FY 2024.

Travel costs include lodging and per diem costs for four NRS-2, estimated at \$700 per person per week (based on an assumed average of three travel days a week), for a total of \$72,800 each year in FY 2024 and FY 2025.

Travel costs also include mileage, based on an assumption of 1,000 miles per week for two vehicles at a rate of \$0.30/mile, for a total of \$15,600 each year in FY 2024 and FY 2025.

Ecology would utilize the Manchester Environmental Laboratory (MEL) to analyze the results and assumes analysis of biosolids using US EPA method 8327. Ecology assumes the lab analyst and lab technician would run the initial quality control samples in October 2023, before the analysis begins January 2024 and continues through June 30, 2025. This would provide additional time to allow for other scheduled lab analysis and any delays caused by weather or other contingencies.

Estimated sample analysis workload is as follows:

Lab analyst to conduct sample analyses: 0.75 FTE Chemist 3 (CHEM-3) in FY 2024, and 1.0 FTE in FY 2025.

Lab technician to conduct sample extractions: 0.75 FTE Laboratory Technician 2 (LAB TECH-2) in FY 2024, and 1.0 FTE in FY 2025.

Lab scientist staff to coordinate sample shipments and intake processes: 0.13 FTE Environmental Specialist 3 (ES-3) in FY 2024, and 0.19 FTE in FY 2025.

Ecology assumes data validation would occur through December 31, 2025, six months after all samples are processed. Chemist to perform data validation would require 0.5 FTE CHEM-4 in FY 2024, 1.0 FTE in FY 2025, and 0.5 FTE in FY 2026.

Ecology assumes the testing would require the use of a Liquid Chromatography Tandem Mass Spectrometer (LC-MS-MS) and an Edge Extractor.

Based on recent price quotes, the estimated cost of a LC-MS-MS is \$425,000, and the cost for an Edge Extractor is \$30,000.

Ecology currently has two LC-MS-MS that are fully utilized for other testing, and would therefore require a third unit in order to conduct the volume of analytical work Ecology assumes this would require.

Goods and Services estimates are based on current costs for existing lab equipment and analysis protocols, and include the following:

Maintenance and annual service agreements for the equipment described above: \$50,000 each year in FY 2024 and FY 2025.

Consumable supplies for analyses: \$35,000 each year in FY 2024 and FY 2025

EAP would prepare a brief narrative summary of the results. Ecology assumes preparation would begin July 1, 2025, while validation of the final data analyses is completed, and be completed by March 1, 2026. Tasks include data analysis, writing, publication formatting and review. Final technical analysis would be provided to the SWM Program for inclusion in the legislative report due July 1, 2026.

Workload for the narrative summary of the results is estimated as follows:

Project lead for data analysis and report writing, and responding to questions as the report is reviewed for submittal to the Legislature: 0.88 FTE NRS-3 in FY 2026

Publications support for technical report development: 0.08 FTE CC-2 in FY 2026

Statistician support for data analysis and interpretation: 0.1 FTE NRS-4 in FY 2026

Administrative support for report development process, including formatting, accessibility, and plain talk review of the technical analysis summary: 0.38 FTE AA-3 in FY 2026

SWM Program would incorporate the analysis into a report for the Legislature and prepare an executive summary of findings and recommendations. Preparation of the report for submittal to the appropriate committee(s) of the Legislature would require the following efforts in the SWM Program:

An EP-4 (0.10 FTE in FY 2026) would coordinate agency and OFM review, incorporate recommended edits, publish the final report, and submit the report to the Legislature.

A ES-5 (0.10 FTE in FY 2026) would provide internal review and edits for the draft report.

A CC-5 (0.05 FTE in FY 2026) would provide communications review for content clarity and key messages.

A CC-2 (0.05 FTE in FY 2026) would provide accessibility and plain talk review of the report.

An Environmental Planner 5 (EP-5) (0.05 FTE in FY 2026) would advise the report writer on legislative report requirements and coordinate with the agency Governmental Relations Office.

An RA-3 (0.05 FTE in FY 2026) would assist the report writer in scheduling and implementing the report review and submittal.

Risk Assessment and Advisory Committee for Setting PFAS Standards for Biosolids (Section 4 (6) and Section 7)

Section 4 (6) would require Ecology to establish PFAS pollutant limits for biosolids by December 30, 2026, based on the based on state-specific data gathered through the study of biosolids in Washington State required in section 4 (7). Ecology would consider the results of the EPA's risk assessment for PFAS in biosolids, if available, and other accredited risk assessment tools. If Ecology were unable, with reasonable diligence, to complete the rulemaking to establish PFAS pollutant limits by December 30, 2026, Ecology would be authorized to issue a general order to biosolids facilities requiring compliance with any initial PFAS limits until a rule permanently establishing the limits is adopted.

Section 7 would require Ecology to consult with an advisory committee of experts and interested parties prior to adopting the rule required in section 4 (6). Because PFAS standards for biosolids would need to be established by December 30, 2026, and the analysis required in section 4 (7) would be available by July 1, 2026, Ecology assumes the advisory committee would meet for one year, from January 1, 2026 through December 30, 2026. The advisory committee would meet twice a month for the year. In the months preceding the availability of the data analysis required in section 4 (7), the advisory committee would review the EPA's risk assessment, and data and recommendations prepared by Ecology and DOH toxicology experts.

Based on the timeline by which data would be available to support the setting of PFAS limits, and the administrative requirements for rulemaking, Ecology assumes a rule would not be able to be adopted to set the limits by December 30, 2026, and that a general order would be issued to require the PFAS limits determined in coordination with the advisory committee, until rules are adopted as authorized under section 4(6).

Ecology assumes the EPA's risk assessment for two PFAS compounds (perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS)) in biosolids would be complete and available by December 2024. Ecology assumes the EPA's risk assessment would not provide enough information to fully support the setting of a Washington State PFAS standard for biosolids.

Ecology assumes a Toxicologist 3 (TOX-3) in the Hazardous Waste and Toxics Reduction (HWTR) Program would coordinate with the Department of Health (DOH) and prepare a risk assessment using available scientific literature, the Washington biosolids PFAS analysis results from section 4 (7), and EPA's risk assessment materials when available. Prior to availability of the analysis prepared by the EAP, the toxicologists would use literature meta-analysis and other methods to start preparing the risk assessment. Ecology assumes the TOX-3 would begin coordination on the risk assessment on January 1, 2025, which would be completed by September 20, 2026. In addition, the TOX-3 would participate in the advisory committee and provide recommendations for a PFAS limit based on risk assessment findings. The estimated workload is 0.50 FTE TOX-3 in FY 2025, 1.00 FTE in FY 2026, and 0.50 FTE in FY 2027.

An Environmental Planner 4 (EP-4) would coordinate with HWTR and DOH toxicologists to ensure risk assessment findings align with current biosolids regulations and uses in Washington State; this position would also assemble and coordinate the advisory committee to review risk assessment findings and set PFAS limits for biosolids. This position would lead the meetings and prepare the general order based on the committee's PFAS limit determinations. The estimated workload is 0.25 FTE EP-4 in FY 2025, and 0.50 FTE EP-4 each year in FY 2026 and FY 2027.

A Community Outreach and Environmental Education Specialist 3 (COEES-3) would facilitate the advisory committee

meetings, manage comments, and help with e-mail and website communications. The estimated workload is 0.10 FTE COEES-3 each year in FY 2026 and FY 2027.

Technical support staff would conduct targeted outreach to overburdened communities and vulnerable populations across the state to ensure inclusion and representation in the committee. This is estimated to require 0.10 FTE EP-3 each year in FY 2026 and FY 2027.

Rulemaking for PFAS Limits (Section 4 (6))

After Ecology, in consultation with the advisory committee, has established the PFAS limits and enacted the requirements under a general order, rulemaking would begin with the filing of the CR-101 on January 1, 2027, and end with rule adoption on December 31, 2028. This type of rulemaking would include three preproposal meetings to gather input from interested parties, and three public hearings to accept comments on the rule proposal.

Rulemaking Administrative Coordinator: A Regulatory Analyst 3 (RA-3) would oversee the rulemaking process to comply with the Administrative Procedures Act; coordinate with the rulemaking lead to prepare the rule development and communication plan; coordinate with the agency regulatory staff on the economic and regulatory impact analysis, and support filing the CR-101, CR-102, and the CR-103 for adoption. This would require an estimated workload of 0.05 FTE in FY 2027, 0.10 FTE in FY 2028, and 0.05 FTE in FY 2029.

Rulemaking Lead: An Environmental Planner 4 (EP-4) would provide policy expertise and lead the rulemaking effort, coordinate with interested parties and members of the public, draft and revise rule language. This position would lead public meetings and hearings, and work with other program staff as needed to execute the rule development plan, with an estimated workload of 0.37 FTE EP-4 in FY 2027, 0.75 FTE in FY 2028, and 0.37 FTE in FY 2029.

Subject Matter Expertise: An Environmental Specialist 5 (ES-5) would advise on biosolids procedures related to testing and chemical thresholds, with an estimated workload of 0.37 FTE ES-5 in FY 2027, 0.75 FTE in FY 2028, and 0.37 FTE in FY 2029.

Subject Matter Expertise: A Toxicologist 3 (TOX-3) would advise on the basis for the PFAS limits and the risk assessment informing them, with an estimated workload of 0.13 FTE TOX-3 in FY 2027, 0.25 FTE in FY 2028, and 0.13 FTE in FY 2029.

The following positions would support public engagement:

Communications Lead: A Communications Consultant 5 (CC-5) would coordinate an outreach strategy and media engagement. This would require 0.05 FTE CC-5 in FY 2027, 0.10 FTE in FY 2028, and 0.05 FTE in FY 2029.

Website Developer: A Communications Consultant 3 (CC-3) would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.05 FTE CC-3 in FY 2027, 0.10 FTE in FY 2028, and 0.05 FTE in FY 2029.

Outreach Coordinator: A Community Outreach and Environmental Education Specialist 3 (COEES-3) would facilitate the pre-proposal and advisory committee meetings, manage the rule comments platform, and help with e-mail, website, and public engagement. The estimated workload is 0.05 FTE COEES-3 in FY 2027, 0.10 FTE in FY 2028, and 0.05 FTE in FY 2029.

Technical support staff would conduct targeted outreach to overburdened communities and vulnerable populations across the state throughout the rulemaking process. This is estimated to require 0.10 EP-3 FTE in FY 2027, 0.20 FTE in FY 2028, and 0.10 FTE in FY 2029.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.25 FTE in FY 2029; Regulatory Analyst 2, 0.10 FTE in FY 2029.

Ecology would hold three meetings in FY 2027, and three hearings in FY 2028. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting.

Because of the complexity of the topic and potential for strong public interest, Ecology would hire a facilitator for the meetings and hearings. Estimated costs in Professional Services Contracts are \$2,100 per meeting for a total estimate in Object C of \$6,300 each year in FY 2027 and FY 2028.

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

Accreditation for Lab Testing (Sections 4 (6) and 4 (8))

In order to enforce the PFAS limits, Ecology would require facilities to submit samples for testing to an accredited laboratory. Currently, only two labs operating in Washington are accredited to test for PFAS compounds using the draft EPA Method (Method 1633). This method is still undergoing validation, but EPA does not anticipate any changes before it is finalized. Ecology assumes EAP would accredit additional laboratories to test biosolid samples for PFAS. Approximately 400 facilities produce biosolids in Washington. Approximately 200 of these facilities are active and would require sampling. Facilities are located throughout the state, but a higher proportion of the facilities are located west of the Cascade Mountain range. Ecology assumes 200 facilities would need to use an accredited laboratory for analysis in the same year that the PFAS limits are established, and 25 laboratories would seek PFAS biosolid testing accreditation to process samples.

Ecology assumes accreditation would begin January 1, 2026, to meet the PFAS testing requirements that would take effect December 30, 2026 when limits are established.

Ecology would need 0.5 FTE of an organic chemist (Chemist 4) each year in FY 2026 and FY 2027 to accredit laboratories and provide technical assistance for Method 1633 for testing PFAS in biosolids.

Technical Assistance for Biosolids Permittees related to PFAS Limits (Sections 4 (6) and 4 (8))

After establishment of PFAS limits under a general order, the statewide biosolids lead and regional coordinators would need to provide technical support to permittees, and review submitted data for compliance on an as-needed basis. Ecology estimates 120 facilities would need sampling and approvals at least quarterly; an additional 100 facilities would need sampling and approvals annually. The requirements would begin January 1, 2027.

Based on these assumptions, Ecology estimates 0.25 FTE EP-4 each year in FY 2027 and FY 2028 to develop guidance for regional coordinators, conduct team training, and 0.09 FTE EP-4 in FY 2029 and ongoing each fiscal year thereafter to provide support to the regional coordinators and monitor PFAS-related research and federal regulations.

Regional coordinators (Environmental Specialists 5) would provide technical assistance and guidance to permittees. The estimated workload would be 0.50 FTE ES-5 each year in FY 2027 and FY 2028, decreasing to 0.17 FTE in FY 2029 and ongoing each fiscal year thereafter.

SUMMARY: The expenditure impact to Ecology under this bill is described below.

Notification, Mapping, and Transport Documentation Requirements (Sections 4 (3), 4 (5), 5, and 6) is estimated to require:

FY 2024: \$356,113 and 2.6 FTEs

FY 2025: \$544,660 and 3.9 FTEs

FY 2026: \$229,959 and 1.7 FTEs

FY 2027: \$121,323 and 0.9 FTEs

FY 2028: \$121,323 and 0.9 FTEs

FY 2029: \$121,323 and 0.9 FTEs

Analysis of PFAS in Washington Biosolids (Section 4 (7)) is estimated to require:

FY 2024: \$1,559,458 and 8.0 FTEs

FY 2025: \$1,220,455 and 8.8 FTEs

FY 2026: \$347,110 and 2.7 FTEs

Washington Risk Assessment and Advisory Committee for PFAS Limits in Biosolids (Section 4 (6) and Section 7) is estimated to require:

FY 2025: \$135,629 and 0.9 FTEs

FY 2026: \$298,064 and 2.0 FTEs

FY 2027: \$203,478 and 1.4 FTEs

Establish and Implement PFAS Limits (Sections 4 (6) and 4 (8)) is estimated to require:

FY 2026: \$88,094 and 0.6 FTEs

FY 2027: \$397,605 and 2.8 FTEs

FY 2028: \$495,143 and 3.6 FTEs

FY 2029: \$279,056 and 2.1 FTEs

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

FY 2024: \$1,915,571 and 10.6 FTEs

FY 2025: \$1,900,744 and 13.7 FTEs

FY 2026: \$963,227 and 7.0 FTEs

FY 2027: \$722,406 and 5.1 FTEs

FY 2028: \$616,466 and 4.5 FTEs

FY 2029: \$400,379 and 3.0 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 Contracts includes facilitation services costs of \$6,300 each year in FY 2027 and FY 2028.

Goods and Services are the agency average of \$5,224 per direct program FTE and includes rulemaking facilities costs of \$2,000 in FY 2024, \$4,000 FY 2025, and \$3,000 each year in FY 2027 and FY2028. Also included are estimated costs for equipment maintenance and service and lab consumables for a total of \$85,000 each year in FY 2024 and FY 2025.

Travel is the agency average of \$1,563 per direct program FTE and also includes field sampling travel costs of \$88,400 each year in FY 2024 and FY 2025.

Equipment is the agency average of \$1,031 per direct program FTE and includes one-time costs of \$425,000 for a LC-MS-MS and \$30,000 for an Edge Extractor In FY 2024.

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
199-1	Biosolids Permit Account	State	0	0	0	722,406	1,016,845
23P-1	Model Toxics Control Operating Account	State	1,915,571	1,900,744	3,816,315	963,227	0
Total \$			1,915,571	1,900,744	3,816,315	1,685,633	1,016,845

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	10.6	13.7	12.1	6.0	3.7
A-Salaries and Wages	692,845	931,206	1,624,051	910,634	546,482
B-Employee Benefits	249,424	335,236	584,660	327,829	196,733
C-Professional Service Contracts				6,300	6,300
E-Goods and Other Services	135,112	151,008	286,120	57,665	36,848
G-Travel	102,795	106,954	209,749	16,357	10,126
J-Capital Outlays	464,494	12,239	476,733	10,795	6,683
9-Agency Administrative Overhead	270,901	364,101	635,002	356,053	213,673
Total \$	1,915,571	1,900,744	3,816,315	1,685,633	1,016,845

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	50,592	0.5	0.5	0.5	0.2	
BUDGET ANALYST 4	85,020	0.0	0.1	0.1	0.0	
CHEMIST 3	82,896	0.8	1.0	0.9		
CHEMIST 4	96,156	0.6	1.0	0.8	0.8	
COM OUTREACH & ENV ED SP 3	63,216	0.1	0.1	0.1	0.1	0.1
COMM CONSULTANT 2	60,156	0.1		0.1	0.1	
COMM CONSULTANT 3	66,420	0.1	0.0	0.1	0.0	0.1
COMM CONSULTANT 5	87,144	0.0	0.0	0.0	0.1	0.1
ECONOMIC ANALYST 3	85,020		0.3	0.1		0.1
ENVIRONMENTAL PLANNER 3	80,952	0.1	0.1	0.1	0.2	0.2
ENVIRONMENTAL PLANNER 4	89,292	0.6	1.0	0.8	1.0	0.7
ENVIRONMENTAL PLANNER 5	98,592				0.0	
ENVIRONMENTAL SPEC 3	63,216	0.1	0.2	0.2		
ENVIRONMENTAL SPEC 5	80,952	1.2	1.5	1.3	1.4	1.7
FISCAL ANALYST 2-Indirect		0.9	1.2	1.1	0.5	0.3
IT APP DEV-JOURNEY	100,032		0.3	0.2	0.1	0.1
IT APP DEV-JOURNEY-Indirect		0.5	0.6	0.5	0.3	0.2
IT BUSINESS ANALYST-JOURNE'	100,032		0.2	0.1		
IT DATA MGMT-JOURNEY	105,060	0.2		0.1		
LABORATORY TECHNICIAN 2	60,156	0.8	1.0	0.9		
NAT RESOURCE SCIENTIST 2	68,076	3.0	3.0	3.0		
NAT RESOURCE SCIENTIST 3	82,896	1.0	1.0	1.0	0.4	
NAT RESOURCE SCIENTIST 4	91,524	0.1		0.1	0.1	
REGULATORY ANALYST 2	82,896		0.1	0.1		0.1
REGULATORY ANALYST 3	93,840	0.1	0.1	0.1	0.1	0.1
TOXICOLOGIST 3	103,572		0.5	0.3	0.8	0.2
Total FTEs		10.6	13.7	12.2	6.1	3.8

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

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 4 would require rulemaking to modify Chapter 173-308 WAC. Ecology assumes rulemaking related to sections 4 (3), 4 (5), and section 6 would occur from October 1, 2023, to September 30, 2025. Ecology assumes rulemaking related to section 4 (6) would occur from January 1, 2027, to December 31, 2028.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5245 S SB

Title: Biosolids

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Minor costs to local health departments run by cities that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Counties: Minor costs to local health departments run by counties that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Special Districts: Minor costs to special purpose districts (local health districts) that choose to maintain maps or lists of parcels where bulk biosolids have been approved for land application.
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: This bill provides a local option for local health departments to maintain a map or list of location of parcels where bulk biosolids have been approved for land application.
- Key variables cannot be estimated with certainty at this time: It is unknown how many local health departments would choose to create and maintain a map of parcels where bulk biosolids have been approved for land application.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Chelsea Mickel	Phone: 518-727-3478	Date: 02/17/2023
Leg. Committee Contact:	Phone:	Date: 02/12/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/17/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/21/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This bill amends requirements at the state level regarding the transportation and permitting of municipal sewage sludge (biosolids), and provides a local option for health districts to maintain documentation of property parcels approved for bulk biosolids land application.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

--Delays the date by which the Department of Ecology (Ecology) must establish pollutant limits for PFAS chemicals in biosolids to December 30, 2026, and requires the limits to be based on state specific data gathered through the study of biosolids in Washington State.

--Directs Ecology to consider the results of EPA's risk assessment, if available, and other accredited risk assessment tools when setting a PFAS standard.

--Authorizes Ecology, if it is not able to complete, with reasonable diligence, the rulemaking establishing the limits by December 30, 2026, to issue a general order to biosolids facilities within the state requiring compliance with any initial PFAS limits determined by Ecology until a permanent rule is in effect.

--Removes provisions directing the program to ensure that biosolids are tested for PFAS chemicals for which a pollutant limit has been established.

--Requires Ecology to adopt rules that require written notice be provided to the residents of properties adjacent to the land application site before land application of bulk biosolids may be approved.

--Specifies that bulk biosolids do not include second generation biosolids products covered under section 4.6.1 of the state general permit and biosolids sold or given away for residential or garden use.

SUMMARY OF CURRENT BILL:

Section 4 requires Ecology to provide written notice to owners whose properties are adjacent to land application sites before land application of bulk biosolids may be approved. Ecology must establish pollutant limits for PFAS chemicals in biosolids, based on the results of the United States environmental protection agency's (EPA) risk assessment for PFAS chemicals in biosolids by December 30, 2026.

Section 5 provides a local option for local health departments to maintain a map or list of locations of parcels where bulk biosolids have been approved for land application.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the original version of the bill, the substitute bill would not change expenditure impacts.

EXPENDITURE IMPACTS OF CURRENT BILL:

This bill provides a local option and would have de minimis indeterminate impacts on local government expenditures.

This bill states that local health departments may choose to maintain a map or list of locations of parcels where bulk biosolids have been approved for land application. There are 30 county health departments in Washington State, in addition to three multi-county health districts and two city-county health departments. A city-county, county, or special purpose district public health department that has a delegated authority agreement from the Department of Ecology would incur minor costs by maintaining the records, which they would offset by increasing fees for biosolid application sites. These tasks form part of existing staff's general workload should a jurisdiction choose the local option. It is unknown how many local health departments would choose to create and maintain these documents.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

In comparison to the original version of the bill, this bill version would not change revenue impacts.

REVENUE IMPACTS OF CURRENT BILL:

This bill would have de minimis indeterminate impacts on local government revenues.

The Department of Ecology collects annual fees for issuing and administering biosolids permits, but this bill does not authorize local governments to collect fees to maintain records of parcels where bulk biosolids have been approved for land application. Only local health departments (LHD) that have a delegated authority agreement from the Department of Ecology would maintain a map and list. These LHDs charge fees to biosolid application sites. If staff had to increase workloads for related mapping, parcel identification, or ensuring proper public notification, they would raise local fees to offset the increased cost for the time needed to maintain this data. For LHDs without the delegated authority, they would most likely rely on Ecology to maintain records, and neither costs nor revenues would be impacted.

SOURCES

Local Government Fiscal Note, SB 5245, (2023)

Municipal Research Services Center

Revised Code of Washington, RCW 70A.226.10, 70A.205.015

Senate Bill Report, SSB 5245, Environment, Energy & Technology Committee, (2023)

Washington State Association of Counties

Washington State Association of Public Health Officials

Washington State Department of Health



Multiple Agency Ten-Year Analysis Summary

Bill Number 5245 S SB	Title Biosolids
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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
Office of Attorney General	0	0	0	0	0	0	0	0	0	0	0
Department of Health	0	0	0	0	0	0	0	0	0	0	0
Department of Ecology	0	0	0	722,406	616,466	400,379	161,524	161,524	161,524	161,524	2,385,347
Total	0	0	0	722,406	616,466	400,379	161,524	161,524	161,524	161,524	2,385,347



Ten-Year Analysis

Bill Number 5245 S SB	Title Biosolids	Agency 100 Office of Attorney General
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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: Allyson Bazan	Phone: 360-586-3589	Date: 2/15/2023 4:14:29 pm
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 2/15/2023 4:14:29 pm
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 5245 S SB	Title Biosolids	Agency 303 Department of Health
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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: Katie Osete	Phone: 3602363000	Date: 2/17/2023 2:26:54 pm
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 2/17/2023 2:26:54 pm
OFM Review:	Phone:	Date:



Ten-Year Analysis

Bill Number 5245 S SB	Title Biosolids	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

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
Biosolids Permit Fee	199				722,406	616,466	400,379	161,524	161,524	161,524	161,524	2,385,347
Total					722,406	616,466	400,379	161,524	161,524	161,524	161,524	2,385,347
Biennial Totals					722,406	1,016,845	323,048	323,048	323,048	323,048	323,048	2,385,347

Narrative Explanation (Required for Indeterminate Cash Receipts)

Under RCW 70A.226.030, Ecology recovers costs to administer the biosolids permit program through biosolids permit fees, which are deposited in the Biosolids Permit Account.

Ecology assumes the costs to implement the bill are fee-eligible after the rulemaking is amended to authorize Ecology to adjust fees above the annual fiscal growth factor beginning in FY 2027. The estimated increase to fee revenue is based on estimated costs by fiscal year.

FY 2027: \$722,406
 FY 2028: \$616,466
 FY 2029: \$400,379
 FY 2030: \$161,524
 FY 2031: \$161,524
 FY 2032: \$161,524
 FY 2033: \$161,524



Ten-Year Analysis

Bill Number 5245 S SB	Title Biosolids	Agency 461 Department of Ecology
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Agency Preparation: Lori Peterson	Phone: 360-280-4075	Date: 3/1/2023 7:52:49 pm
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 3/1/2023 7:52:49 pm
OFM Review:	Phone:	Date: