

Multiple Agency Fiscal Note Summary

Bill Number: 6121 SB	Title: Biochar production
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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
Office of Attorney General	0	0	18,000	0	0	58,000	0	0	58,000
Department of Ecology	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	18,000	0	0	58,000	0	0	58,000

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	No fiscal impact					
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	.2	0	0	18,000	.3	0	0	58,000	.3	0	0	58,000
Department of Ecology	.9	0	0	334,882	1.8	0	0	680,216	.0	0	0	58,000
Department of Ecology	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Agriculture	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	1.1	0	0	352,882	2.1	0	0	738,216	0.3	0	0	116,000

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	No fiscal impact								
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 Ecology	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Department of Agriculture	.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	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Final 1/23/2024
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Individual State Agency Fiscal Note

Bill Number: 6121 SB	Title: Biochar production	Agency: 100-Office of Attorney General
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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
Legal Services Revolving Account-State 405-1		18,000	18,000	58,000	58,000
Total \$		18,000	18,000	58,000	58,000

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	0.3
Account					
Legal Services Revolving Account-State 405-1	0	18,000	18,000	58,000	58,000
Total \$	0	18,000	18,000	58,000	58,000

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/12/2024
Agency Preparation: Dan Jensen	Phone: 360-664-9429	Date: 01/22/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/22/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/23/2024

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.

Section 1 – New Section. Findings and intent.

Section 2 – Amends RCW 70A.15.1030 to include definitions for “biochar,” “biochar mini unit,” and “clean cellulosic biomass.”

Section 3 – Amends RCW 70A.15.5090 to include costs for obtaining a permit for biochar production fees.

Section 4 – Amends RCW 70A.15.5120 to include producing biochar micro units or biochar mini units from the burning of clean cellulosic biomass from forestry operations in the list of activities requiring a regulated burning permit.

Section 5 – Amends RCW 70A.15.5140 to add producing biochar using biochar micro units or biochar mini units in the list of priorities the Department of Natural Resources (DNR) must consider in encouraging landowners to develop and use alternative acceptable disposal methods.

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.

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Ecology (Ecology). The Attorney General’s Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO’s authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies’ fiscal note. Appropriation authority is necessary in the AGO budget.

AGO AGENCY ASSUMPTIONS:

Ecology will be billed for non-King County rates:

FY 2025: \$18,000 for 0.1 Assistant Attorney General FTE (AAG) and 0.1 Paralegal 1 FTE (PL).

FY 2026: \$29,000 for 0.1 AAG and 0.1 PL 1 and each year thereafter.

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.

Attorney General’s Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2024 legislative session.

Location of staffing is assumed to be in a non-King County office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays

for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. Assumptions for the AGO Ecology Division (ECY) Legal Services.

The AGO will bill the Department of Ecology (Ecology) for legal services based on the enactment of this bill.

Section 3 amends RCW 70A.15.5090, which prohibits setting fires “in the course of agricultural activities” without a permit issued by Ecology or a local agency. Section 3(5) provides express authority for Ecology to assess and collect fees for the issuance of “biochar production” permits and limits such fees to \$1 per ton of agricultural waste consumed. The AGO’s assumption is Ecology will need to amend Chapter 173-430 WAC (Agricultural Burning) in order to incorporate this new fee and to establish “general permit criteria of statewide applicability” for biochar production as required by RCW 70A.15.5090(1). This rulemaking will be highly technical and legally complex. It will take two years to complete, from July 2024 to June 2026. For example, the rule will need to establish general permit criteria that adequately account for Federal Clean Air Act permitting requirements that apply to a subset of biochar units known as air curtain incinerators. In addition, Ecology’s development of general permit criteria to be adopted in rule will involve significant consultation with various local air agencies, as required by RCW 70A.15.5090 (1). An Environmental Justice Assessment will also be required under the Healthy Environment for All (HEAL) Act.

The AGO’s assumption is that Ecology will receive permit applications for agricultural biochar units upon adoption of a revised Chapter 173-430 WAC. The AGO estimates that Ecology will receive 20 biochar permit applications each year, two of which are estimated to be for air curtain incinerators that are subject to Federal Clean Air Act (Title V) permitting. Legal advice will be needed to support Ecology’s issuance of biochar permits to ensure Ecology complies with federal requirements and the new general permit criteria under Chapter 173-430 WAC. In addition, such permitting decisions would be appealable to the Pollution Control Hearings Board under RCW 43.21B.110(1)(c).

The AGO’s assumption is that legal advice will be needed to support Ecology’s enforcement of the revised rule. Legal advice will be needed to support Ecology’s development of notices of violation, enforcement orders, and civil penalties for permit violations and for operating a biochar unit without a proper permit. In addition, such enforcement actions would be appealable to the Pollution Control Hearings Board under RCW 43.21B.110(1)(a)-(b).

In FY 2025, 0.06 AAG will be required to provide legal advice and guidance to support the rulemaking.

In FY 2026 and subsequent years, 0.1 AAG will be required to provide legal advice and guidance to support Ecology’s permitting and enforcement efforts, and legal services to support anticipated appeals of Ecology’s permitting decisions and enforcement actions.

ECY: Total non-King County workload impact:

FY 2025: \$18,000 for 0.1 AAG, and 0.1 PL Paralegal 1 (PL).

FY 2026 and each year thereafter: \$29,000 for 0.1 AAG and 0.1 PL1.

2. The AGO Agriculture and Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division’s workload for legal services in representing the Department of Agriculture (WSDA) or the Department of Commerce (Commerce). New legal services are nominal, and costs are not included in this request. Commerce was assigned this fiscal note request for its role in estimating the impact of bills on local governments. Commerce itself would not be given any new authorities or responsibilities under this bill. AHD did not confirm with DOH or COM because the

lack of impact is clear. No costs are included in this request.

3. The AGO Public Lands & Conservation Division (PLC) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Natural Resources (DNR). This bill amends one of the statutes in the Washington’s Clean Air Act that pertains to DNR issued burning permits, RCW 70A.15.5120, to add biochar permitting to the list of things for which DNR is responsible for under Section 4(1)(e) and (3). This bill would require DNR to encourage biochar production under Section 5(2)(a). These changes could potentially lead to rulemaking for DNR, or other legal advice needs. The AGO assumption is between 30 to 40 hours of AAG time, spread between FY 2025 and 2026. New legal services are nominal, and costs are not included in this request.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services	State	0	18,000	18,000	58,000	58,000
	Revolving Account						
Total \$			0	18,000	18,000	58,000	58,000

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	0.3
A-Salaries and Wages		12,000	12,000	40,000	40,000
B-Employee Benefits		4,000	4,000	12,000	12,000
E-Goods and Other Services		2,000	2,000	6,000	6,000
Total \$	0	18,000	18,000	58,000	58,000

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	129,100		0.1	0.1	0.1	0.1
Management Analyst 5	95,184		0.1	0.1	0.1	0.1
Paralegal 1	69,072		0.1	0.1	0.1	0.1
Total FTEs			0.3	0.2	0.3	0.3

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Ecology Division (ECY)		18,000	18,000	58,000	58,000
Total \$		18,000	18,000	58,000	58,000

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: 6121 SB	Title: Biochar production	Agency: 461-Department of Ecology
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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	0.0	1.8	0.9	1.8	0.0
Account					
Air Pollution Control Account-State 216-1	0	334,882	334,882	680,216	58,000
Total \$	0	334,882	334,882	680,216	58,000

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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/12/2024
Agency Preparation: Andrew Contreras	Phone: 360-485-7648	Date: 01/18/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/18/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2024

Part II: Narrative Explanation

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

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

Currently, under the Washington Clean Air Act, chapter 70A.15 RCW, Ecology and local clean air agencies have authority to establish, implement, and enforce standards to control and prevent air pollution to protect public health and safety.

This bill would provide the Department of Natural Resources (DNR) authority to permit and assess permit fees for the production of biochar in small units from the burning of clean cellulosic biomass from forestry operations. Ecology, local air agencies or a local entity with delegated authority would be authorized to charge fees for biochar production from agricultural waste.

Section 2 would amend RCW 70A.15.1030 to add definitions of biochar, biochar micro unit, biochar mini unit, and clean cellulosic biomass.

Section 3 specifies that fees charged by Ecology, local air agencies, or a local entity with delegated authority for biochar production from agricultural waste would be set at \$1 per ton of agricultural waste consumed. Fees collected would be deposited in the Air Pollution Control Account except for that portion of the fee necessary to cover local costs of administering a permit issued with section 3. Fees would be set by rule by the permitting agency at the level determined by the agricultural burning practices and research task force.

Section 4 would amend RCW 70A.15.5120 to allow DNR to issue and regulate burn permits, as well as assess permit fees for the production of biochar with biochar micro units or biochar mini units from the burning of clean cellulosic biomass from forestry operations.

Section 5 would amend RCW 70A.15.5140 to amend the list of alternative acceptable disposal methods that DNR should encourage to reduce the need for burning to include production of biochar using biochar micro and biochar mini units. Ecology assumes that we would continue to issue Notice of Construction and Air Operating Permits for biochar production in small units where required under federal rules.

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 indeterminate for section 3.

Section 3(5) would allow Ecology, the appropriate local air authority, or a local entity with delegated permitting authority pursuant to RCW 70A.15.5100 to assess and collect permit fees for biochar production from agricultural waste as set by rule by the permitting agency at the level determined by the agricultural burning practices and research task force to not exceed \$1 per ton of agricultural waste. Revenue would be deposited in the Air Pollution Control Account (APCA).

Revenue from fees assessed for biochar production is indeterminate. Fees would need to be set by rule by the permitting agency at the level determined by the task force, up to \$1 per ton of agricultural waste. In addition, Ecology assumes that more information is required to assess the expected permit applications for agricultural biochar units upon adoption of a revised rule.

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) 2025 and ongoing to implement the requirements of section 3. Costs to administer the biochar production permit program under section 3 are indeterminate.

Fund Source: Currently, Ecology has an existing agricultural burn permit program funded through the fees and penalties received through the program that are deposited into APCA. Ecology assumes funding to implement and administer the new permit program required under section 3 would be funded using APCA, similar to how Ecology's existing program is funded.

Section 3 – Rulemaking

Section 3(5) would provide authority for Ecology to assess and collect fees for the issuance of "biochar production" permits and limits such fees to \$1/ton of agricultural waste consumed. We assume that Ecology would need to amend Chapter 173-430 WAC (Agricultural Burning) in order to incorporate this new fee and to establish "general permit criteria of statewide applicability" for biochar production as required by RCW 70A.15.5090(1).

Ecology assumes that rulemaking would be highly technical with high public interest and legally complex. It would require two years, from July 2024 to June 2026. The rule would need to establish general permit criteria that adequately account for federal Clean Air Act permitting requirements that apply to a subset of biochar units known as air curtain incinerators. In addition, Ecology's development of general permit criteria to be adopted in rule would involve significant consultation with various local air agencies, as required by RCW 70A.15.5090(1). This type of rulemaking would require two preproposal meetings to gather input from stakeholders and one public hearing to accept comments on the rule proposal. An Environmental Justice Assessment would also be required under the HEAL Act.

The following positions would be required for rulemaking:

0.85 FTE Environmental Planner 3 in FY 2025 and 0.85 FTE in FY 2026 – this position would be the rulemaking lead, coordinating the rulemaking effort.

0.75 FTE Environmental Engineer 6 in FY 2025 and 0.75 FTE in FY 2026 – this position would be the technical lead, advising on rule language and driving the overall policy change of the program.

The following positions would complete an economic and regulatory analysis of the rule: 0.25 FTE Economic Analyst 3 in FY 2026; 0.10 FTE Regulatory Analyst 2 in FY 2026.

Ecology would hold at least two public hearings in FY 2025 and one public hearing in FY 2026 for rulemaking. Goods and services estimates include facility rental costs estimated at \$1,000 per hearing (\$2,000 FY 2025 and \$1,000 FY 2026).

The Attorney General's Office estimates 0.06 FTE Assistant Attorney General at a cost of \$17,400 in FY 2025 and 0.06 FTE at a cost of \$17,400 in FY 2026, and 0.10 FTE at a cost of \$29,000 ongoing to advise Ecology on rulemaking efforts. Expenditures are shown in goods and services.

Section 3 - Program Implementation

The fiscal impact to administer the permit program under section 3 is indeterminate. Ecology assumes that more information is required to assess the expected permit applications for agricultural biochar units upon adoption of a revised Chapter 173-430 WAC. Ecology assumes a requirement of resources to support issuance of biochar permits to ensure they comply with federal requirements and the new general permit criteria under Chapter 173-430 WAC.

Ecology assumes resources would be required to support the enforcement of the revised rule, including the need to support Ecology's development of notices of violation, enforcement orders, and civil penalties for permit violations and for operating

a biochar unit without a proper permit that would need to be included in program implementation.

For the purposes of the fiscal note, Ecology assumes additional IT costs related to implementation requirements noted in section 3. Ecology estimates that we would have to add functionality to the Burn Permit Application (BPA) and the Air Quality Burn Permit System (AQBPS) for calculating biochar into permit fees. It would result in a new IT project beginning in FY 2026, estimated as follows:

0.1 FTE IT Manager – The program would require the assistance and management of a IT Manager to provide supervision, support, and outreach for the program through the duration of the IT project.

0.15 FTE IT Business Analyst - Journey in FY 2026 to update the existing BPA & AQBPS IT applications to align with the updated requirements.

0.2 FTE IT Application Developer - Senior in FY 2026 to update the existing BPA & AQBPS IT applications to align with the updated requirements.

0.5 FTE IT Application Developer – Journey in FY 2026 to update the existing BPA & AQBPS IT applications to align with the updated requirements.

0.1 FTE IT System Admin - Journey in FY 2026 to update the existing BPA & AQBPS IT applications to align with the updated requirements.

0.2 FTE IT Project Manager – Journey in FY 2026 to update the existing BPA & AQBPS IT applications to align with the updated requirements.

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

Section 3 Rulemaking is estimated to require:

FY 2025: \$334,882 and 1.8 FTEs

FY 2026: \$392,292 and 2.2 FTEs

Section 3 IT Implementation is estimated to require:

FY 2026: \$258,924 and 1.4 FTEs

Section 3 Program Implementation:

FY 2027 and ongoing: Indeterminate

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

FY 2025: \$334,882 and 1.8 FTEs

FY 2026: \$651,216 and 3.7 FTEs

FY 2027 and ongoing: Indeterminate

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 34.1% of salaries.

Goods and Services are the agency average of \$6,048 per direct program FTE. Also included are AGO costs of \$17,400 in FY 2025, \$17,400 in FY 2026, and \$29,000 in FY 2027 and ongoing.

Travel is the agency average of \$2,205 per direct program FTE.

Equipment is the agency average of \$1,286 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.8% 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
216-1	Air Pollution Control Account	State	0	334,882	334,882	680,216	58,000
Total \$			0	334,882	334,882	680,216	58,000

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29	
FTE Staff Years		1.8	0.9	1.8		
A-Salaries and Wages		170,180	170,180	344,868		
B-Employee Benefits		58,032	58,032	117,601		
E-Goods and Other Services		33,077	33,077	68,755	58,000	
G-Travel		3,528	3,528	7,058		
J-Capital Outlays		2,058	2,058	4,117		
9-Agency Administrative Overhead		68,007	68,007	137,817		
Total \$		0	334,882	334,882	680,216	58,000

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

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
ECONOMIC ANALYST 3	95,627				0.1	
ENVIRONMENTAL ENGINEER 6	128,628		0.8	0.4	0.4	
ENVIRONMENTAL PLANNER 3	86,716		0.9	0.4	0.4	
FISCAL ANALYST 2			0.2	0.1	0.2	
IT APP DEVELOPMENT-JOURNEY	107,154				0.3	
IT APP DEVELOPMENT-SR/SPEC	124,071				0.1	
IT APP DEV-JOURNEY			0.1	0.0	0.1	
IT BUSINESS ANALYST-JOURNEY	107,154				0.1	
IT PROJECT MGMT-JOURNEY	112,540				0.1	
IT PROJECT MGMT-MANAGER	136,745				0.1	
IT SYSTEM ADMIN-JOURNEY	112,540				0.1	
REGULATORY ANALYST 2	88,798				0.1	
Total FTEs			1.8	0.9	1.9	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.

Ecology assumes we would need to amend Chapter 173-430 WAC (Agricultural Burning) for the requirements under section 3 to establish the Biochar permit program requirements by rule.

Individual State Agency Fiscal Note

Bill Number: 6121 SB	Title: Biochar production	Agency: 490-Department of Natural Resources
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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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/12/2024
Agency Preparation: Zoe Catron	Phone: 360-902-1121	Date: 01/17/2024
Agency Approval: Brian Considine	Phone: 3604863469	Date: 01/17/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/18/2024

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.

Section (1) of this bill proposes the development of distributed small-scale biochar production units to generate local place-based sources of biochar from clean cellulosic biomass as a necessary component of an integrated land management strategy that: (1) Reduces greenhouse gas emissions; (2) Produces durable biogenic carbon storage, either in situ or for distribution elsewhere; and (3) Minimizes air quality impacts from open burning.

Any updates to the burn permitting system, if necessary, would be part of the maintenance agreement already established with the vendor, so no new cost would be incurred. Any work necessary to implement this bill will be supported with existing staff capacity.

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: 6121 SB	Title: Biochar production	Agency: 495-Department of Agriculture
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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: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/12/2024
Agency Preparation: Dani Gelardi	Phone: 360-791-3903	Date: 01/16/2024
Agency Approval: Lori Peterson	Phone: 360-974-9767	Date: 01/16/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/16/2024

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.

Under current law, agricultural burning permits are issued by the Department of Ecology and local air pollution control authorities, and forest burning permits are issued by the Department of Natural Resources. The proposed legislation would amend the permitting requirements for controlled agricultural burns to include permits for small-scale biochar production, modify definitions, and establish permit fees. Washington State Department of Agriculture (WSDA) does not review, issue, or enforce the terms of these burn permits. Because the proposed legislation would not modify WSDA's statutory requirements or delegate any new authority to WSDA, there would be no fiscal impact to WSDA.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 6121 SB

Title: Biochar production

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

Legislation Impacts:

- Cities:
 Counties:
 Special Districts:
 Specific jurisdictions only:
 Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
 Expenditures represent one-time costs:
 Legislation provides local option:
 Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Kristine Williams	Phone: (564) 669-3002	Date: 01/18/2024
Leg. Committee Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/12/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/18/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/18/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 adds a new section stating the legislature's intent to support biochar production from agricultural and forestry biomass.

Section 2 amends RCW 70A.15.1030 to add definitions of "biochar," "biochar micro unit," "biochar mini unit," and "clean cellulosic biomass."

Section 3 amends RCW 70A.15.5090 to set biochar burning permit fees at \$1.00 per ton of agricultural waste consumed. These permits may be issued by air pollution control authorities or a local entity which has been delegated permitting authority under RCW 70A.15.510. This may include fire protection agencies, counties, and conservation districts.

This legislation would take effect 90 days after adjournment of the session in which the bill is passed.

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.

This bill would not impact local government expenditures.

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.

This bill would not impact local government revenues.

The costs to administrate permits is indeterminate. However, any increase or decrease in permit revenues for local governments would likely be equal to the expenditure impact.

SOURCES

Washington Association of Conservation Districts (WACD)

Washington Fire Commissioners Association