

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6163 SB	<b>Title:</b> 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	241,449	0	0	91,382
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>241,449</b>	<b>0</b>	<b>0</b>	<b>91,382</b>

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
Department of Ecology	1.1	0	0	329,381	2.9	0	0	879,916	.3	0	0	91,382
<b>Total \$</b>	<b>1.1</b>	<b>0</b>	<b>0</b>	<b>329,381</b>	<b>2.9</b>	<b>0</b>	<b>0</b>	<b>879,916</b>	<b>0.3</b>	<b>0</b>	<b>0</b>	<b>91,382</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	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
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

# Estimated Capital Budget Breakout

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<b>Prepared by:</b> Lisa Borkowski, OFM	<b>Phone:</b> (360) 742-2239	<b>Date Published:</b> Final 1/24/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6163 SB	<b>Title:</b> Biosolids	<b>Agency:</b> 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				241,449	91,382
<b>Total \$</b>				241,449	91,382

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	2.2	1.1	2.9	0.3
<b>Account</b>					
Biosolids Permit Account-State 199-1	0	0	0	241,449	91,382
Model Toxics Control Operating Account-State 23P-1	0	329,381	329,381	638,467	0
<b>Total \$</b>	0	329,381	329,381	879,916	91,382

### 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: 01/11/2024
Agency Preparation: My-Hanh Mai	Phone: 360-742-6931	Date: 01/24/2024
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/24/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/24/2024

## 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, 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 4(5) would require a biosolids transporter transporting class B biosolids to be used for land applications, to carry a manifest or similar document specifying the class of biosolids being transported. Under current law, WAC 173-308-100, transporters are required to carry this documentation within a spill prevention and response plan.

Section 4(6)(a) would require Ecology to establish PFAS chemical sampling or testing requirements in biosolids by July 1, 2026. In developing the requirements, Ecology would be required to consult with the advisory committee created in section 6.

Section 4(6)(b) would require 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, 2027.

Section 5 would amend RCW 70A.226.030 to add sampling or testing to the list of costs Ecology may recover through the biosolids permit fees as established in WAC 173-308-320.

Section 6 would require Ecology to consult with an advisory committee of experts, interested parties, and others before adopting or amending any rules relating to sampling or testing biosolids 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 less than \$50,000 in FY 2028 and ongoing for fee revenue based on estimated costs for sections 4, 5, and 6.

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) 2025 through FY 2027 and less than \$50,000 in FY 2028 and ongoing each fiscal year thereafter to implement the requirements of sections 4 and 6.

Ecology assumes until the biosolids rule, WAC 173-308-320, is amended to authorize Ecology to adjust fees above the fiscal

growth factor to recover future costs to implement the requirements of this legislation, the costs to implement the provisions of sections 4 and 6 would be funded with MTCA – Operating in fiscal years 2025 and 2026.

All costs to implement the requirements of sections 4 and 6 are estimated in the Biosolids Permit Account starting in FY 2027.

#### Rulemaking for PFAS sampling or testing requirements and Biosolids Fee (Sections 4(6) and 5)

Section 6 would require Ecology to consult with an advisory committee of experts and interested parties before adopting any rules relating to sampling or testing biosolids for PFAS chemicals. Section 4(6)(a) would require Ecology to establish PFAS chemical sampling or testing requirements for biosolids regulated under RCW 70A.226.030.

Ecology assumes rulemaking would be required to establish the requirements in section 4(6) and amend WAC 173-308-320, the permit fee structure, to allow Ecology to adjust fees above the annual fiscal growth factor to recover future costs to implement the requirements of this legislation.

Ecology estimates rulemaking would require 18 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 September 1, 2024, with the filing of the CR-101, and end with rule adoption July 1, 2026. 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) from SWM 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 0.12 FTE in FY 2025, and 0.12 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 0.42 FTE in FY 2025, 0.63 FTE in FY 2026.

**Technical Support:** An Environmental Specialist 5 (ES-5) would collect data, support analysis of potential policy outcomes, support 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 0.23 FTE in FY 2025, and 0.30 FTE in FY 2026

**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 0.23 FTE ES-5 in FY 2025 and 0.63 FTE in FY 2026. Ecology assumes coordination with a subject matter expert from the Hazardous Waste and Toxics Reduction (HWTR) Program would be needed during the rulemaking process. Ecology estimates 0.10 FTE RA-3 each year in FY 2025 and FY 2026.

A Budget Analyst 4 would be needed to ensure the modified fee structure is sufficient but does not exceed the cost increases to implement the bill. This would require 0.10 FTE BA-4 each year in FY 2025 and 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 2025 and 0.04 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 2025 and 0.04 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 2025 and 0.08 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-4 in FY 2025 and 0.13 FTE in FY 2026.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.20 FTE in FY 2026; Regulatory Analyst 2, 0.05 FTE in FY 2026.

Ecology would hold two meetings in FY 2025, and two hearings in FY 2026. Goods and services estimates include facility rental costs estimated at \$1,000 per meeting for \$2,000 each year in FY 2025 and FY 2026.

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.

#### Establishing PFAS chemical sampling or testing requirements (sections 4(6) and 6)

Section 4 (6) would require Ecology to establish PFAS chemical sampling or testing requirements for biosolids by July 1, 2026. It would also require that in developing the requirements, Ecology would consult with the advisory committee created in section 6 before rulemaking.

Ecology assumes the advisory committee would convene in July 2024 and meet at least five times between July 1, 2024, and May 31, 2026, with one of these meetings occurring before September 1, 2024 (prior to filing CR-101) to establish the committee. We assume the committee would have at least two meetings between September 1, 2024, and January 31, 2025, to discuss appropriate sampling and testing requirements, at least one meeting between February 1, 2025, and January 31, 2026, to update the committee on progress and continue receiving input, before filing CR-102. Finally, we assume the committee would have one meeting between February 1, 2026, and May 31, 2026, before adopting and amending the rule.

Ecology would invite people actively engaged in the biosolids field to participate in the committee. Including biosolids facilities of differing sizes and operations, universities and organizations engaged in biosolids research and practices, tribal nations, environmental groups that have shown interest in the biosolids field, a toxicologist from DOH, and other programs within Ecology such as Water Quality Program and the Environmental Assessment Program. The development of sampling and analysis requirements would happen in conjunction with the advisory committee meetings.

An Advisory Committee Lead would establish the committee, prepare content for meetings, host and facilitate meetings, communicate with advisory members outside of meetings, and provide supporting documentation and information to committee members throughout the process. The lead would also reference other state programs, and applicable research to determine appropriate testing and sampling requirements. This is estimated to require 0.23 FTE EP-4 each year in FY 2025 and FY 2026.

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 0.03 FTE COEES-3 each year in FY 2025 and FY 2026.

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 0.06 FTE EP-4 each year in FY 2025 and FY 2026.

Technical support staff would provide assistance with the committee establishment, prepare for and coordinate meetings, and facilitate meetings, as well as assist with determine appropriate testing and sampling requirements. This is estimated to require 0.10 FTE ES-5 each year in FY 2025 and FY 2026.

Technical support staff would advise on QA/QC protocols for sampling and analysis, review sampling and analysis recommendations, and consult with program experts. This is estimated to require 0.05 FTE Chemist 4 each year in FY 2025 and FY 2026.

Administrative support staff would coordinate meeting space reservation and preparation, assist with hosting the meetings, and technical support during meetings. This is estimated to require 0.02 FTE AA-3 each year in FY 2025 and FY 2026.

#### Technical Support to Facilities for Sampling of PFAS in Biosolids Produced in Washington State

Ecology assumes the sampling and analysis of PFAS in biosolids required in Section 4 (6) would be conducted by the biosolids facilities. The testing and sampling requirements would be established in rule by July 1, 2026, and biosolids facilities would begin conducting PFAS sampling and providing results to the Solid Waste Management (SWM) Program. To meet the July 1, 2027, legislative deadline, Ecology assumes biosolids facilities would have six months to conduct samples and submit them for analysis.

Ecology assumes collections and analysis of biosolids samples at facilities would align with current pollutant testing requirements under 173-308-140, 150, and 160 and be conducted up to twelve times a year per facility depending on the volume of biosolids produced in one year at each facility.

After establishing PFAS chemicals sampling requirements under an updated rule, 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 assumes 60 facilities would need sampling and analysis at least quarterly; an additional 200 facilities would need sampling and analysis annually. The remaining facilities may require sampling and analysis less often than once a year.

Ecology assumes technical assistance would begin at least six months before the rule takes effect because we assume at least 25 percent of our facilities would contact Ecology biosolids staff with questions about how the rule requirements would impact their operations. Impacts from the bill would look different to each facility as no facility is designed or operates identical to another. As such, the technical assistance would be highly variable and require a lot of correspondence with permittees from biosolids staff.

Based on these assumptions, Ecology estimates 0.25 FTE EP-4 each year in FY 2026 and FY 2027 to develop guidance for regional coordinators, conduct team training, and provide technical assistance and guidance to permittees. This is estimated to require 0.09 FTE EP-4 in FY 2028 and ongoing each fiscal year thereafter to provide support to the regional coordinators, permittees, and monitor PFAS-related research and federal regulations.

Regional coordinators would provide technical assistance and guidance to permittees. The estimated workload would be 0.50 FTE ES-5 each year in FY 2026 and FY 2027, decreasing to 0.17 FTE in FY 2028 and ongoing each fiscal year thereafter.

#### Compiling Data, Drafting, and Submitting Report to the Legislature

Ecology staff would review and summarize the PFAS sampling data provided by the facilities between January 1, 2027, to April 1, 2027, and prepare a report of the analysis. The report would be completed and provided to the appropriate committee(s) of the Legislature and the public by July 1, 2027.

Currently, only two labs are accredited to conduct the necessary sampling method (EPA 1633) within the region that are accessible to our biosolids facilities. Because those labs are reporting turnaround times of between six to nine months, Ecology assumes the data provided by facilities would be limited to what they can accomplish within six months. Ecology assumes the report to the Legislature would contain limited data as provided by the biosolids facilities.

Based on our experience working with labs to receive pollutant data and compiling and drafting reports to the Legislature of this type, to provide a complete report, we assume at least two years would be needed for facilities to sample, labs to analyze the samples, and Ecology to compile the data and prepare a report for the Legislature.

Completing the analysis and preparing the legislative report would require the following staff resources:

An EP-4 (0.30 FTE in FY 2027) would compile the data and draft the report, coordinate agency and OFM review, incorporate recommended edits, publish the final report, and submit the report to the Legislature.

An ES-5 (0.13 FTE in FY 2027) would provide internal review and edits for the draft report.

A CC-5 (0.05 FTE in FY 2027) would provide communications review for content clarity and key messages.

A CC-2 (0.05 FTE in FY 2027) would provide accessibility and plain talk review of the report.

An Environmental Planner 5 (EP-5) (0.10 FTE in FY 2027) would advise the report writer on legislative report requirements and coordinate with the agency's Governmental Relations Office.

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

FY 2025: \$329,381 and 2.2 FTEs

FY 2026: \$638,467 and 4.2 FTEs

FY 2027: \$241,449 and 1.6 FTEs

FY 2028: \$45,691 and 0.3 FTEs

FY 2029: \$45,691 and 0.3 FTEs

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 and \$2,000 each year in FY 2025 and FY 2026 for rulemaking facility rental costs.

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
199-1	Biosolids Permit Account	State	0	0	0	241,449	91,382
23P-1	Model Toxics Control Operating Account	State	0	329,381	329,381	638,467	0
<b>Total \$</b>			0	329,381	329,381	879,916	91,382

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		2.2	1.1	2.9	0.3
A-Salaries and Wages		177,724	177,724	476,750	49,650
B-Employee Benefits		60,603	60,603	162,570	16,932
E-Goods and Other Services		13,430	13,430	32,480	3,144
G-Travel		4,167	4,167	11,115	1,146
J-Capital Outlays		2,433	2,433	6,482	670
9-Agency Administrative Overhead		71,024	71,024	190,519	19,840
<b>Total \$</b>	0	329,381	329,381	879,916	91,382

### 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
ADMIN ASSISTANT 3	54,194		0.0	0.0	0.0	
BUDGET ANALYST 4	91,073		0.1	0.1	0.1	
CHEMIST 4	108,152		0.1	0.0	0.0	
COM OUTRCH & ENV ED SP 3	67,717		0.1	0.1	0.1	
COMM CONSULTANT 2	64,439				0.0	
COMM CONSULTANT 3	71,149		0.0	0.0	0.0	
COMM CONSULTANT 5	93,349		0.0	0.0	0.1	
ECONOMIC ANALYST 3	95,627				0.1	
ENVIRONMENTAL PLANNER 4	95,650		0.8	0.4	0.9	0.1
ENVIRONMENTAL PLANNER 5	105,612				0.1	
ENVIRONMENTAL SPEC 5	95,387		0.6	0.3	1.1	0.2
FISCAL ANALYST 2			0.2	0.1	0.3	0.0
IT APP DEV-JOURNEY			0.1	0.1	0.1	0.0
REGULATORY ANALYST 2	88,798				0.0	
REGULATORY ANALYST 3	100,521		0.2	0.1	0.1	
<b>Total FTEs</b>			2.2	1.1	2.9	0.3

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**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 authorize Ecology to adopt rules to implement the biosolids management program. Ecology assumes rulemaking would occur from September 1, 2024, to July 1, 2026.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 6163 SB

Title: Biosolids

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

### Legislation Impacts:

- Cities: Publically owned treatment works (POTW) would be required to test for PFAS chemicals as a condition of the Department of Ecology biosolid permits. Transporters of class B biosolids would be required to maintain a manifest, or other comparable documentation.
- Counties: Same as above for county POTW.
- Special Districts: Same as above for special district POTW.
- 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: Sample and testing procedures developed by the Department of Ecology.

### 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: Jordan Laramie	Phone: 360-725-5044	Date: 01/16/2024
Leg. Committee Contact: Matthew Shepard-Koningsor	Phone: 360-786-7627	Date: 01/11/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/16/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/22/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

This bill amends requirements for the testing of municipal sewage sludge (biosolids) and the documentation required to transport class B biosolids.

Section 4 requires any motor freight carrier that transports class B biosolids on behalf of a local government, to be used for land application, to carry a manifest, or similar document, specifying the class of biosolids being transported.

Section 5 authorizes the Department of Ecology to set annual permit fees equal to the cost to issue and administrate the biosolids permit program. This section amends RCW 70A.226.030 to include costs related to sampling or testing as a component of the annual permit fees.

The effective date of this act is 90 days after the 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 legislation would have indeterminate costs associated with new sampling and testing requirements that would be developed by the Department of Ecology by July 1, 2026. The costs associated with Sec. 5 would not be incurred by publicly owned treatment works (POTWs) until the requirements are established in the biosolid general permit.

Maintaining a manifest of the biosolid cargo under Section 4 would result in a separate de minimis impact. Persons who haul biosolids are required to record certain types of information for state and federal guidelines, and this process would be in alignment with existing responsibilities.

#### **TRANSPORTATION MANIFESTS:**

According to a recent economic impact analysis of the biosolids management general permit, there are approximately 305 public facilities covered by existing biosolids permits. The number of public facilities that transport class B biosolids is not currently known. However, the anticipated cost for a transporter to create and maintain a manifest that attests the biosolid class, and other necessary information, is expected to be minimal as these tasks would be within such staff's general workload. Documenting necessary information for state and federal reporting obligations is a requirement under existing program guidelines, per WAC 173-308-120 and 173-308-130.

#### **CHANGES TO THE BIOSOLIDS MANAGEMENT GENERAL PERMIT:**

Potentially starting in FY27, there may be increased but indeterminate costs for POTWs in the state to sample and test biosolids for the new per- and polyfluoroalkyl substances (PFAS) performance standard, which the Department of Ecology (Ecology) would develop by July 1, 2026.

According to the California State Water Resources Control Board (Board), POTWs are potentially significant receivers of PFAS and have the potential to discharge these wastes to the environment. In its order to POTWs through WQ 2020-0015-DWQ, the Board estimated that PFAS testing, sampling, and preparing reports would cost individual wastewater treatment facilities approximately \$5,000 to \$25,000. However, the dollar value that the testing in Ecology's biosolid management general permit may increase is currently unknown as it would require consultation of the advisory committee in Sec. 6 before the statewide testing standard is established.

For reference on the existing testing costs, economic impact analysis of the biosolids management general permit conducting in 2021 found that compliance with the general permit had nominal average annual costs of \$250 to \$340. These costs include estimating the remaining capacity for biosolids accumulation within an active biosolid lagoon and pollution analysis.

## 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 have no impact on local government revenues.

### SOURCES

California Water Boards, State Water Resources Control Board - "ORDER WQ 2020-0015-DWQ" (July 2020)

CDM Smith, "Data on Actual Costs to Wastewater and Biosolids Management Programs from PFAS" (Oct. 2020)

Department of Ecology, "Small Business Economic Impact Analysis Biosolids Management General Permit" (May 2021)

Local Government Fiscal Note, SB 5245, (2023)

Municipal Research Services Center, Sewer Utilities

Senate Bill Report, SB 6163 (2024)

Washington State Association of Counties

Washington Administrative Code, WAC 173-308-120 & 173-308-130



# Multiple Agency Ten-Year Analysis Summary

<b>Bill Number</b> 6163 SB	<b>Title</b> 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
Department of Ecology	0	0	0	241,449	45,691	45,691	45,691	45,691	45,691	45,691	515,595



# Ten-Year Analysis

<b>Bill Number</b> 6163 SB	<b>Title</b> Biosolids	<b>Agency</b> 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				241,449	45,691	45,691	45,691	45,691	45,691	45,691	515,595
<b>Total</b>					<b>241,449</b>	<b>45,691</b>	<b>45,691</b>	<b>45,691</b>	<b>45,691</b>	<b>45,691</b>	<b>45,691</b>	<b>515,595</b>
<b>Biennial Totals</b>					<b>241,449</b>	<b>91,382</b>	<b>91,382</b>	<b>91,382</b>	<b>91,382</b>	<b>91,382</b>	<b>91,382</b>	<b>515,595</b>

## 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.

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