

Multiple Agency Fiscal Note Summary

| | |
|---------------------------------|-----------------------------------|
| Bill Number: 2207 E S HB | Title: Solid waste dumping |
|---------------------------------|-----------------------------------|

Estimated Cash Receipts

NONE

| Agency Name | 2023-25 | | 2025-27 | | 2027-29 | |
|---------------------|--|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts | Fiscal note not available | | | | | |
| 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 |
| Administrative Office of the Courts | Fiscal note not available | | | | | | | | | | | |
| Department of Revenue | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Department of Transportation | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Department of Ecology | .7 | 0 | 0 | 230,075 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Department of Ecology | In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note. | | | | | | | | | | | |
| State Parks and Recreation Commission | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Environmental and Land Use Hearings Office | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Department of Natural Resources | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Total \$ | 0.7 | 0 | 0 | 230,075 | 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 | Fiscal note not available | | | | | | | | |
| 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 |
| Administrative Office of the Courts | Fiscal note not available | | | | | | | | |
| Department of Revenue | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Transportation | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Ecology | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| State Parks and Recreation Commission | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Environmental and Land Use Hearings Office | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Natural Resources | .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 | Fiscal note not available | | | | | | | | |
| 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

| | | |
|---|---------------------------------|---|
| Prepared by: Lisa Borkowski, OFM | Phone: (360) 742-2239 | Date Published: Preliminary 2/22/2024 |
|---|---------------------------------|---|

Department of Revenue Fiscal Note

| | | |
|---------------------------------|-----------------------------------|--|
| Bill Number: 2207 E S HB | Title: Solid waste dumping | Agency: 140-Department of Revenue |
|---------------------------------|-----------------------------------|--|

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated 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: Adam Brunmeier | Phone: 60-786-7357 | Date: 02/15/2024 |
| Agency Preparation: Anna Yamada | Phone: 60-534-1519 | Date: 02/16/2024 |
| Agency Approval: Marianne McIntosh | Phone: 60-534-1505 | Date: 02/16/2024 |
| OFM Review: Amy Hatfield | Phone: (360) 280-7584 | Date: 02/16/2024 |

Request # 2207-2-1

Part II: Narrative Explanation

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

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

Note: This fiscal note reflects language in ESHB 2207, 2024 Legislative Session.

COMPARISON OF THE ENGROSSED SUBSTITUTE BILL WITH THE ORIGINAL:

The engrossed substitute bill:

- Eliminates the 0.25% increase of money collected from the Hazardous Substance tax (HST) for public participation grants for the 2025-2029 biennia.
- Removes Department of Natural Resources Terrestrial Derelict Vessel Removal Pilot Project.
- Changes the measure of littered materials from weight- to volume-based.
- Empowers law enforcement authority to enforce natural resource litter infractions.

CURRENT LAW:

It is a misdemeanor for a person to litter in an amount of one cubic foot or greater (in case of a cubic yard or more of litter, it is a gross misdemeanor). The person pays a litter cleanup restitution payment, which is twice the actual cost of cleanup. The court distributes half the restitution payment to the landowner and half to the law enforcement agency.

The person also pays a penalty according to the amount of the litter. The money collected from penalties for littering violations and all proceeds from the litter tax are deposited into the waste reduction, recycling, and litter control account. The account funds programs and grants for cleanups, recycling, and other waste-related activities administered by the Department of Ecology.

Money collected in the Model Toxics Control Operating Account funds hazardous waste cleanups, education, planning, enforcement, and other related activities.

The Department of Ecology uses 1% of the money collected from HST for public participation grants related to hazardous substance remedial matters.

Department of Natural Resources operates derelict vessel removals on aquatic lands.

PROPOSAL:

This bill makes the violation of littering a natural resource infraction except for the severest violations and imposes the amount of restitution four times the actual cost. The bill redirects half of the restitution payment from the landowner to the Waste Reduction, Recycling, and Litter Control Account.

The bill sets a new penalty scale for a natural resource infraction between 1 cubic foot and 10 cubic yards of littered materials for penalty amounts ranging from \$250 to \$1,000.

Department of Ecology may use fines, bail forfeitures, and all receipts from litter cleanup restitution payments to award grants to local governments or nonprofit organizations designed to reduce illegal dumping and administer such grants.

This bill allows the Department of Ecology to use additional amounts appropriated by the legislature, in addition to the 1% of the money currently being collected from HST, for public participation grants. The eligible grants include efforts to reduce hazardous materials or petroleum products.

Law enforcement officers are empowered to enforce the newly established natural resource infractions for littering.

General peace officers may take those same actions to enforce littering provisions.

EFFECTIVE DATE:

The bill takes effect 90 days after the final adjournment of the session.

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.

This legislation results in no revenue impact on taxes administered by the Department of Revenue (department).

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 department will not incur any costs with the implementation of this legislation.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

NONE

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

NONE

III. C - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

Part V: New Rule Making Required

Individual State Agency Fiscal Note

| | | |
|---------------------------------|-----------------------------------|---|
| Bill Number: 2207 E S HB | Title: Solid waste dumping | Agency: 405-Department of Transportation |
|---------------------------------|-----------------------------------|---|

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: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Preparation: Nicole Knudson | Phone: 360-705-7293 | Date: 02/21/2024 |
| Agency Approval: Andrea Fortune | Phone: 360-705-6823 | Date: 02/21/2024 |
| OFM Review: Maria Thomas | Phone: (360) 229-4717 | Date: 02/21/2024 |

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.

See attached fiscal note.

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: ESHB 2207 **Title:** Solid waste dumping

Agency: 405-Department of Transportation

Part I: Estimates

- No Fiscal Impact (Explain in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

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

Agency Assumptions

N/A

Agency Contacts:

| | | |
|----------------------------|------------------------|---------------|
| Preparer: Nicole Knudson | Phone: +1 360-705-7293 | Date: 2/15/24 |
| Approval: Andrea Fortune | Phone: +1 360-705-7855 | Date: 2/15/24 |
| Budget Manager: Siri Olson | Phone: +1 360-705-7542 | Date: 2/21/24 |

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact

Engrossed Substitute House Bill 2207 classifies violations and penalties attributed to unlawful waste dumping and provides funds for public participation grants using the Model Toxics Control Operating Account. There is no fiscal impact to WSDOT for the changes in ESHB 2207.

The Washington State Department of Transportation assumes no fiscal impact from HB 2207, based upon the proposed activities which include the direction to the Department of Ecology to develop and administer litter collection programs and litter control efforts, as well as the administration and awarding of grants to local governments or nonprofit organizations aimed at reducing outdoor dumping. Department of Ecology is responsible for coordinating litter control efforts with department of natural resources, revenue, transportation, corrections, and the parks and recreation commission. The Department of Transportation assumes it will be reimbursed from the Department of Ecology for any litter control activities coordinated by the Department of Ecology, which incur expenses for the Department of Transportation. These expenses would be separate from current funding for litter removal efforts on state highway rights-of-way.

Individual State Agency Fiscal Note

Section 4 describes a waste reduction, recycling, and litter control account with receipts from taxes imposed to be appropriated to the Department of Ecology for litter collection programs; litter control efforts; employing youth in litter cleanup; picking litter; public awareness programs; and the administration of these activities. The Department of Ecology is also authorized to develop a competitive grant program for local governments and nonprofits to create and implement outreach plans and education programs.

II. B – Cash Receipts Impact

There is no cash receipt impact to WSDOT as revenue from penalties will be determined by the courts.

II. C - Expenditures

N/A

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

N/A

Part IV: Capital Budget Impact

N/A

Part V: New Rule Making Required

N/A

Individual State Agency Fiscal Note

| | | |
|---------------------------------|-----------------------------------|--|
| Bill Number: 2207 E S HB | Title: Solid waste dumping | Agency: 461-Department of Ecology |
|---------------------------------|-----------------------------------|--|

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 | 1.4 | 0.7 | 0.0 | 0.0 |
| Account | | | | | |
| Waste Reduction/Recycling/Litter Control-State 044-1 | 0 | 47,791 | 47,791 | 0 | 0 |
| Model Toxics Control Operating Account-State 23P-1 | 0 | 182,284 | 182,284 | 0 | 0 |
| Total \$ | 0 | 230,075 | 230,075 | 0 | 0 |

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: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Preparation: My-Hanh Mai | Phone: 360-742-6931 | Date: 02/20/2024 |
| Agency Approval: Erik Fairchild | Phone: 360-407-7005 | Date: 02/20/2024 |
| OFM Review: Lisa Borkowski | Phone: (360) 742-2239 | Date: 02/22/2024 |

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.

Compared to HB 2207, ESHB 2207 has the following changes:

- Reinstates a volume-based measure for littering violations and penalties, instead of changing to a weight-based measure.
- Section 2 recriminalizes dumping more than 10 cubic yards as a gross misdemeanor.
- Section 4 clarifies that all fines and bail forfeitures collected for littering violations will be deposited into WRRLCA except as otherwise provided by statute.
- Section 4 allows Ecology to use a portion of collected litter cleanup restitution payments for administration of the new illegal dumping focused grant program for local governments or nonprofits.
- Section 5 includes efforts to reduce illegal dumping of hazardous materials or petroleum-containing products on public and private land as an eligible project type within the Public Participation grants.
- Section 6 removes the Department of Natural Resources terrestrial derelict vessel removal pilot program.
- Section 6 empowers the same personnel who are eligible to enforce littering violations that are civil infractions and misdemeanors to also enforce the littering violations that are newly made natural resource infractions.

These changes result in a change to the fiscal impact for Ecology.

Section 2 would amend RCW 70A.200.060, the class 3 civil infraction for littering as provided in RCW 7.80.120, including detentions for a reasonable period and investigations as provided in RCW 7.84.030, to change littering in an amount less than 10 cubic yards to a natural resource infraction under chapter 7.84 RCW. Littering more than 10 cubic yards would be a gross misdemeanor. A person found liable under this section shall, in addition to the penalties provided for gross misdemeanors in RCW 7.84.100, pay a litter cleanup restitution payment equal to four times (formerly twice) the actual cost of cleanup. The court shall distribute one-half of the restitution payment to WRRLCA. The other half of the payment would go to the law enforcement agency investigating the incident.

Section 3 would amend RCW 7.84.100, by defining the penalties for violations of RCW 70A.200.060 as follows:

- Up to \$250 for littering less than 500 pounds.
- Up to \$750 for littering more than 500 pounds, but less than 1,000 pounds.
- Up to \$1,000 for littering more than 1,000 pounds.

Section 4 would amend RCW 70A.200.140, adding language in subsection 1(a)(b)(c) clarifying “of receipts from taxes imposed in RCW 82.19.010” when describing WRRLCA funding. It would also add a new subsection 1(d) directing 100 percent of receipts from litter cleanup restitution payments as provided in RCW 70A.200.060(4), in addition to any legislative appropriations made to the account for these specific purposes, go to Ecology to award grants to local governments or non-profit organizations designed to reduce illegal dumping on public or private forestlands or other open spaces. Grants would need to be awarded to projects aimed at reducing outdoor dumping or reducing the cost of legal waste disposal. Ecology would be authorized to include this funding and activities into existing or related programs and use a portion of receipts from the litter cleanup restitution payments for administration of the grant program.

Section 5 would amend RCW 70A.305.180(4), to add efforts targeted at reducing illegal dumping of hazardous materials or petroleum-containing products on public and private land as eligible projects under the Public Participation Grants program. This section would also authorize any additional amounts appropriated by the Legislature for the program.

Section 6 would amend RCW 7.84.140 to authorize any person specified in RCW 70A.200.050 to initiate enforcement of RCW 70A.200.060 for those natural resource infractions under this chapter, with or without an interlocal agreement under this section.

Section 7 would amend RCW 7.84.020 to modify the definition of an infraction by adding a reference to RCW 70A.200.060 and “or a civil infraction”.

Section 8 would amend RCW 70A.200.070 to add reference to chapter 7.84 RCW in the procedures for collection of penalties, costs, and other charges. This section would authorize any person specified in RCW 70A.200.050 that is also a general peace officer to take actions specified in RCW 7.84.030, including detentions for a reasonable period and investigations, to take those actions with respect to littering infractions under this chapter.

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.

There is no cash receipts impact to Ecology.

Ecology does not collect litter cleanup restitution payments. Under section 2, one-half of these payments would be deposited in the Waste Reduction, Recycling, and Litter Control Account and be available for appropriation for purposes of section 4 of this bill. Since these payments would not be collected by Ecology, we would have no cash receipts impact.

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 to implement the requirements of section 5. Expenditures for section 4 are partially indeterminate – the expenditures for implementing the grants are indeterminate.

Section 4 – Illegal Dumping Grants

Section 4 would require Ecology to award grants to local governments or nonprofit organizations using litter cleanup restitution payments that would be deposited in the WRRLCA, in addition to any legislative appropriations for these specific purposes.

Ecology assumes we would modify the guidelines and grant application forms of an existing grant program to develop the structure for the new grants in subsection 1(d). However, there is not enough information currently for Ecology to estimate the full fiscal impact because penalties collected for illegal dumping are indeterminate; therefore, the costs to implement the new grants to local governments or nonprofit organizations, designed to reduce illegal dumping on public or private forestlands or other open spaces, would be indeterminate. Ecology assumes that if penalties are deposited in the WRRLCA, we would submit a budget request for additional appropriation from the account for implementation.

0.12 FTE Environmental Planner 4 (EP4) in FY 2025 to develop guidelines, outreach materials, and application forms, and conduct training for internal and external stakeholders. Ecology assumes we would conduct an Environmental Justice Assessment in FY 2025 as required under the HEAL Act, Chapter 70A.02 RCW.

0.05 FTE Communications Consultant 3 (CC3) in FY 2025 to review and edit the outreach materials prepared by the EP4 and create an agency website to publish the material.

Additional costs to modify an existing grant program and applications in the Agency’s Administration of Grants and Loans (EAGL) system are \$20,000 in FY 2025, shown in Goods and Services (Object E). EAGL system maintenance cost is \$10,000 each year ongoing (part of ongoing implementation costs; thus, this is not included in the costs of this fiscal note).

Section 5 – Public Participation Grants

Section 5 would amend RCW 70A.305.180 to include efforts to reduce illegal dumping of hazardous materials or petroleum-containing products on public and private land as a new grant eligibility criteria under the Public Participation Grant (PPG).

Ecology assumes we would need to amend the PPG rule, guidelines, and program application forms to accommodate new criteria, as authorized under RCW 70A.305.180(5). The following staff resources would be required to implement this amendment and administer the new grants. We anticipate rulemaking would take 12 months starting in FY 2025.

- 0.10 FTE Regulatory Analyst 3 (RA3) in FY 2025 to 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 regulatory impact analysis, and support filing the CR-101, CR-102, and the CR-103 for adoption.
- 0.50 FTE Environmental Planner 4 (EP4) in FY 2025 would provide policy expertise and lead the rulemaking effort, draft, and revise rule language, lead a public meeting and hearing, and work with other program staff as needed to execute the rule development plan.
- 0.25 FTE Environmental Specialist 4 (ES4) in FY 2025 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. This includes any needs for regional support.
- 0.05 FTE Communications Consultant 5 (CC5) in FY 2025 would coordinate an outreach strategy and media engagement.
- 0.05 FTE Communications Consultant 3 (CC3) in FY 2025 would coordinate with the rulemaking lead on a public website for the rulemaking process.
- 0.05 FTE Community Outreach and Environmental Education Specialist 3 (COEES3) in FY 2025 would facilitate the pre-proposal and other meetings, manage the rule comments platform, and help with e-mail, website, and public engagement.

Ecology would hold one meeting in FY 2025. Goods and services estimates include facility rental costs estimated at \$1,000

Ecology assumes updating the PPG guidelines and grant application forms would require the staff resources below. Ecology further assumes that the PPG funding level would remain at the current law level as increased appropriation may require additional staff resources to administer additional grants on an ongoing basis.

- 0.06 FTE Environmental Planner 4 (EP4) in FY 2025 to update guidelines, outreach materials, and application forms, and conduct training for internal and external stakeholders.
- 0.02 FTE Communications Consultant 3 (CC3) in FY 2025 to review and edit the outreach materials prepared by the EP4 and update an agency website to publish the material.

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

FY 2025: \$230,075 and 1.4 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. Includes \$21,000 in FY 2025 for EAGL grants development and 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 |
|-----------------|---|-------|---------|---------|---------|---------|---------|
| 044-1 | Waste Reduction/Recycling /Litter Control | State | 0 | 47,791 | 47,791 | 0 | 0 |
| 23P-1 | Model Toxics Control Operating Account | State | 0 | 182,284 | 182,284 | 0 | 0 |
| Total \$ | | | 0 | 230,075 | 230,075 | 0 | 0 |

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 | | 1.4 | 0.7 | | |
| A-Salaries and Wages | | 113,265 | 113,265 | | |
| B-Employee Benefits | | 38,623 | 38,623 | | |
| E-Goods and Other Services | | 28,559 | 28,559 | | |
| G-Travel | | 2,756 | 2,756 | | |
| J-Capital Outlays | | 1,607 | 1,607 | | |
| 9-Agency Administrative Overhead | | 45,265 | 45,265 | | |
| Total \$ | 0 | 230,075 | 230,075 | 0 | 0 |

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 |
|-------------------------|---------|---------|---------|---------|---------|---------|
| COM OTRCH & ENV ED SP 3 | 67,717 | | 0.1 | 0.0 | | |
| COMM CONSULTANT 3 | 71,149 | | 0.1 | 0.1 | | |
| COMM CONSULTANT 5 | 93,349 | | 0.1 | 0.0 | | |
| ENVIRONMENTAL PLANNER 4 | 95,650 | | 0.7 | 0.3 | | |
| ENVIRONMENTAL SPEC 4 | 86,324 | | 0.3 | 0.1 | | |
| FISCAL ANALYST 2 | | | 0.1 | 0.1 | | |
| IT APP DEV-JOURNEY | | | 0.1 | 0.0 | | |
| REGULATORY ANALYST 3 | 100,521 | | 0.1 | 0.1 | | |
| Total FTEs | | | 1.4 | 0.7 | | 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 the PPG rule would be amended to include the new grant eligibility criteria specified in section 5, as authorized under RCW 70A.305.180(5). The rule amendment would take 12-months starting in FY 2025.

Individual State Agency Fiscal Note

| | | |
|---------------------------------|-----------------------------------|--|
| Bill Number: 2207 E S HB | Title: Solid waste dumping | Agency: 465-State Parks and Recreation Commission |
|---------------------------------|-----------------------------------|--|

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: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Preparation: Robert Ingram | Phone: (360) 902-8615 | Date: 02/20/2024 |
| Agency Approval: Pam Barkis | Phone: (360) 902-8535 | Date: 02/20/2024 |
| OFM Review: Matthew Hunter | Phone: (360) 529-7078 | Date: 02/20/2024 |

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.

Engrossed Substitute House bill 2207 proposes changes to help reduce impacts of unlawful solid waste dumping on public and private lands.

State Parks assume no direct fiscal impact from the proposed changes in this bill. The agency is an active participant in statewide litter collection programs and will continue to participate as directed by administering agencies and seek funding as needed to maintain litter and pollution reduction efforts.

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.

None.

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: 2207 E S HB | Title: Solid waste dumping | Agency: 468-Environmental and Land Use Hearings Office |
|---------------------------------|-----------------------------------|---|

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: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Preparation: Dominga Soliz | Phone: 3606649173 | Date: 02/16/2024 |
| Agency Approval: Dominga Soliz | Phone: 3606649173 | Date: 02/16/2024 |
| OFM Review: Lisa Borkowski | Phone: (360) 742-2239 | Date: 02/22/2024 |

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.

This bill aims to reduce the impacts of unlawful solid waste dumping.

This version of the bill does not include the pilot project (former Sec. 6) that would have added vessels abandoned or derelict on terrestrial lands (instead of water) to RCW 79.100 Derelict Vessels.

Therefore, this bill would have no impact to the Pollution Control Hearings Board (PCHB).

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.

None

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

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: 2207 E S HB | Title: Solid waste dumping | Agency: 490-Department of Natural Resources |
|---------------------------------|-----------------------------------|--|

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: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Preparation: Andrew Hills | Phone: / | Date: 02/20/2024 |
| Agency Approval: Brian Considine | Phone: 3604863469 | Date: 02/20/2024 |
| OFM Review: Lisa Borkowski | Phone: (360) 742-2239 | Date: 02/22/2024 |

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.

ESHB 2207 recognizes the increasing problems arising from unlawful solid waste dumping on open spaces such as forestlands. This bill also recognizes that the imposing of criminal penalties is not adequately addressing this growing problem and seeks to provide and shift reliance on civil penalties for infractions as a deterrence for all but the most egregious illegal dumping.

- Sec. 2.(3): Makes littering in an amount greater than 1 cubic foot but less than 10 cubic yards a natural resource infraction under Chapter 7.84 RCW, and littering in an amount greater than 10 cubic yards a gross misdemeanor.

- Sec. 2.(4)(a): Doubles the litter cleanup restitution payment. Redirects the landowner's former 50 percent share of litter cleanup restitution payments to a new waste reduction, recycling, and litter control account.

- Sec. 3.(3): Establishes penalties for littering that is a natural resource infraction.

- Sec. 4.(1)(d): Direct Department of Ecology ("ECY") to use funds in the waste reduction, recycling, and litter control account to award grants to local governments or nonprofit organizations designed to reduce illegal dumping on public or private forestlands or other open spaces. Specifies the types of eligible projects.

- Sec. 6.: Authorizes all persons specified in RCW 70A.200.050 to enforce littering that is a natural resource infraction, with or without an interlocal agreement with the Department of Natural Resources (DNR), Department of Fish and Wildlife ("DFW"), or State Parks and Recreation Commission ("PARKS").

This substitute:

- Removes all derelict vessel aspects from the previous bill version.

- Removes temporary redirection of a small portion (0.25 percent) of pollution tax revenue to fund public participation grants.

DNR sees no fiscal impact from this revised bill.

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: 2207 E S HB

Title: Solid waste dumping

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

Legislation Impacts:

Cities: can apply for grants to reduce illegal dumping, reduction in municipal court costs

Counties: can apply for grants to reduce illegal dumping

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: costs associated with applying for grants

Legislation provides local option: Applying for a grant is up to the discretion of each municipality

Key variables cannot be estimated with certainty at this time: number of court cases affected, which jurisdictions would be awarded a grant or for what amount

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: Tammi Alexander | Phone: 360-725-5038 | Date: 02/20/2024 |
| Leg. Committee Contact: Adam Brunmeier | Phone: 360-786-7357 | Date: 02/15/2024 |
| Agency Approval: Allan Johnson | Phone: 360-725-5033 | Date: 02/20/2024 |
| OFM Review: Lisa Borkowski | Phone: (360) 742-2239 | Date: 02/22/2024 |

Part IV: Analysis

A. SUMMARY OF BILL

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

Note: This fiscal note reflects language in ESHB 2207, 2024 Legislative Session.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

- eliminates the 0.25% increase of money collected from the Hazardous Substance tax (HST) for public participation grants for the 2025-2029 biennia
- removes Department of Natural Resources Terrestrial Derelict Vessel Removal Pilot Project
- changes the measure of littered materials from weight- to volume-based
- empowers law enforcement authority to enforce natural resource litter infractions

SUMMARY OF CURRENT BILL:

This bill changes the violation of littering from a criminal misdemeanor to a natural resource infraction and increases the amount of restitution from twice to four times the actual cost. Half of the restitution payment would be deposited into to the Waste Reduction, Recycling, and Litter Control Account and the other half would be distributed to the law enforcement agency investigating the incident. The Department of Ecology will use all receipts from litter cleanup restitution payments to award grants to local governments or nonprofit organizations designed to reduce illegal dumping.

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:

The changes in the engrossed substitute version do not create any new fiscal impacts to local government expenditures.

EXPENDITURE IMPACTS OF CURRENT BILL:

According to the Association of Washington Cities, there would be a reduction in municipal court costs for any infractions happening in city limits. These costs cannot be estimated at this time because the number of cases is unknown.

Also, local governments applying for the grants will incur costs associated with preparing and submitting applications. The costs for local governments to apply for the grants is indeterminate. These costs will likely include administrative costs and may include grant writing expenditures or other expenses.

Applying for such a grant is up to the discretion of each municipality, and is therefore a local option.

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:

The changes in the engrossed substitute version do not create any new fiscal impacts to local government revenue.

REVENUE IMPACTS OF CURRENT BILL:

This legislation would result in indeterminate revenues for local governments applying for grants from the Department of Ecology as outlined in the bill. However, it is unknown how much funding would be available for these grants, how much funding would be specified for each individual grant, nor how many grants would be awarded to cities and counties.

Applying for such a grant is up to the discretion of each municipality, and is therefore a local option.

SOURCES:

Association of Washington Cities

Department of Revenue fiscal note, EHB 2207 (2024)

Senate Bill Report, ESHB 2207, Environment, Energy, and Technology Committee (02/19/2024)

Washington State Association of Counties