Multiple Agency Fiscal Note Summary

Bill Number: 1154 S HB	**Title:** Solid waste handling

Estimated Cash Receipts

NONE

Agency Name	2025-27		2027-29		2029-31	
	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	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Health	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Ecology	1.6	0	0	493,417	.0	0	0	0	.0	0	0	0
Environmental and Land Use Hearings Office	.0	0	0	0	1.1	340,664	340,664	340,664	1.1	334,520	334,520	334,520
Total $	**1.6**	**0**	**0**	**493,417**	**1.1**	**340,664**	**340,664**	**340,664**	**1.1**	**334,520**	**334,520**	**334,520**

Agency Name	2025-27			2027-29			2029-31		
	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	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	.0	0	0	.0	0	0	.0	0	0
Total $	**0.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0**

Agency Name	2025-27			2027-29			2029-31		
	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

Prepared by: Lisa Borkowski, OFM	**Phone:** (360) 742-2239	**Date Published:** Final 2/ 6/2025

Individual State Agency Fiscal Note

Bill Number: 1154 S HB	Title: Solid waste handling	Agency: 100-Office of Attorney General

Part I: Estimates

[X] **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:	Dan Jones	Phone: 360-786-7118	Date: 01/29/2025
Agency Preparation:	Amy Flanigan	Phone: 509-456-3123	Date: 02/04/2025
Agency Approval:	Leah Snow	Phone: 360-586-2104	Date: 02/04/2025
OFM Review:	Rayanna Evans	Phone: (360) 902-0553	Date: 02/05/2025

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.

1. The Attorney General's Office (AGO) Ecology Division (ECY) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Department of Ecology (Ecology). Currently Ecology must review landfill permits issued by local jurisdictional health departments before their issuance. If Ecology does not agree with the permit, it can appeal it to the Pollution Control Hearings Board (Board). This bill would change this such that Ecology's approval is required before a landfill permit is issued by the local health department. Differences in opinion between Ecology and local health departments are rare, and therefore this bill is unlikely to change current workload, or legal support needs. This bill would also allow Ecology a direct enforcement role against solid waste facility permittees, where that role currently lies exclusively with the health departments. Ecology has taken the position that, even if this bill passes, the primary enforcement role should remain with the local health departments; however, Ecology may have more engagement with health departments and facility operators on enforcement matters. This is unlikely to result in a significant change in legal service levels. New legal services are nominal, and costs are not included in this request.

2. The AGO Licensing & Administrative Law Division (LAL) has reviewed this bill and determined it will not significantly increase or decrease the division's workload in representing the Environmental and Land Use Hearings Office (ELUHO) and Pollution Control Hearings Board (Board). While the bill will likely increase appeals to the Board, any legal advice would be limited and can be absorbed within existing services. New legal services are nominal, and costs are not included in this request.

3. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division's workload. The enactment of this bill will not impact the provision of legal services to the Department of Health (DOH) and the Department of Commerce (Commerce). This bill would give not give DOH new duties or authorities requiring legal advice. 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. Therefore, no costs are included in this request.

4. The AGO Utilities and Transportation Commission (AGO-UTC) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1154 S HB	Title: Solid waste handling	Agency: 303-Department of Health

Part I: Estimates

[X] **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:	Dan Jones	Phone: 360-786-7118	Date: 01/29/2025
Agency Preparation:	Katie Osete	Phone: 3602363000	Date: 01/31/2025
Agency Approval:	Kristin Bettridge	Phone: 3607911657	Date: 01/31/2025
OFM Review:	Amy Hatfield	Phone: (360) 280-7584	Date: 02/06/2025

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.

Brief Summary of Substitute
Bill Requires the Department of Ecology (Ecology) to approve all permits for landfilling prior to issuance or renewal by the jurisdictional health department (JHD). Authorizes Ecology to suspend a permit and impose civil penalties for a solid waste handling facility that is operating in violation of any solid waste management requirements. Requires each JHD to provide Ecology with a list of violations of the requirements for solid waste handling facilities for each facility.

The Department of Health is still not identified to have any role in this legislation, therefore no fiscal impact.

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.

N/A

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.

N/A

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

N/A

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: 1154 S HB	Title: Solid waste handling	Agency: 461-Department of Ecology

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.5	1.7	1.6	0.0	0.0
Account					
Model Toxics Control Operating Account-State 23p-1	232,484	260,933	493,417	0	0
Total $	232,484	260,933	493,417	0	0

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

☒ If fiscal impact is greater than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

☐ If fiscal impact is less than $50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).

☐ Capital budget impact, complete Part IV.

☒ Requires new rule making, complete Part V.

Legislative Contact:	Dan Jones	Phone: 360-786-7118	Date: 01/29/2025
Agency Preparation:	Fahad Kazi	Phone: 564-233-9372	Date: 02/03/2025
Agency Approval:	Garret Ward	Phone: 360-789-7938	Date: 02/03/2025
OFM Review:	Lisa Borkowski	Phone: (360) 742-2239	Date: 02/05/2025

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 1154, the SHB 1154 provides additional detail and clarification on implementation.

Sec. 1(4) changes the HB by inserting "(4)" after the citation to RCW 70A.205.130. This removes potential ambiguity about the scope of Ecology's permit approval requirement, so that it clearly applies only to solid waste landfill permits, rather than to solid waste permits generally.

Sec. 2(4)(d) changes the date in the original bill language after which no permit is considered valid from August 1, 2025, to August 1, 2027. This allows time for Ecology to conduct rulemaking to WAC 173-350 and WAC 173-351 that will be necessary to implement new permitting process steps and timelines for Ecology to approve or require amendment of permits for landfills prior to permit issuance.

Sec. 5(1)(a) changes the bill language to authorize JHDs and Ecology to levy penalties for noncompliance, for the purpose of establishing a tiered penalty system. The JHD or Ecology may impose a civil penalty up to $5,000 per day for the first 14 days of non-compliance and may increase the civil penalty up to $10,000 per day if the violation is not resolved within 14 days.

Sec 5(2)(b)(a) changes bill language to reinforce the concept that the JHD has the primary role in conducting solid waste enforcement unless it actively defers that role for enforcement at a facility to Ecology.

Sec 5(2)(b) enables Ecology's authority to perform enforcement in the event a JHD's enforcement efforts are unable to bring a facility into compliance.

Sec.5(3) inserts new language to specify how penalties levied by JHDs are to be managed, in a manner consistent with the statute's existing direction for managing permit fees and grants.

Sec.5(4) clarifies that the venues for appeals of JHD enforcement actions and Ecology enforcement actions are separate and distinct; appeals of JHD enforcement actions are to the local health officer, consistent with existing statute language for appeals of JHD permit actions, while appeals of Ecology enforcement actions are to the PCHB, consistent with most appeals of Ecology enforcement actions under other statutes Ecology implements.

Sec. 6 changes the HB by limiting the scope of the list of violations which JHDs are required to provide to Ecology to currently identified violations, rather than including both historically and currently identified violations.

Sec. 7 inserts new language to amend statute and session law governing the authority of the PCHB to add the bill's provisions to the scope of its portfolio.

The changes to Sec. 5(1)(a) could affect penalties which Ecology may levy. Penalty revenue is assumed to be limited, but unknown, and therefore is not estimated in this fiscal note.

There are no other fiscal impacts estimated from the Substitute House Bill 1154 when compared to the House Bill 1154.

Chapter 70A.205 RCW establishes the current statutory framework governing solid waste handling and places primary authority for facility permitting on jurisdictional health departments (JHDs). The existing statute gives the Department of Ecology (Ecology) a consultative role during permitting and gives Ecology authority to appeal the issuance of a permit in certain circumstances. Under current statute, enforcement authority given to JHDs and Ecology is very limited. JHDs typically rely on local ordinances for their solid waste enforcement authority.

This bill would amend chapter 70A.205 RCW to require Ecology approval of proposed solid waste landfilling permits and authorizes Ecology to require amendments by JHDs to proposed permits for solid waste landfilling activities, prior to permit issuance. Ecology's role in permitting of other types of solid waste facilities would remain unchanged. This bill also establishes new authority for JHDs and Ecology to enforce compliance with applicable rules and permit conditions for all types of permitted solid waste facilities.

Section 2 would require every proposed solid waste landfill permit issued by a JHD to require Ecology's review and approval. This bill would not explicitly direct Ecology to conduct any rulemaking; however, Ecology believes that revisions to the rules governing solid waste facility permitting, chapter 173-350 WAC and chapter 173-351 WAC, would be necessary to incorporate the new requirement for Ecology's approval, denial, or amendment of proposed permits for solid waste landfills

Section 5(1)(a) would authorize Ecology to impose civil penalties not to exceed $10,000 per day of non-compliance with the requirements of the statute or the facility's solid waste permit. Sec. 5(3) would direct penalties levied by Ecology to be deposited in the Model Toxics Control Act (MTCA) operating account.

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 less than $50,000 each fiscal year for revenue that would be collected as specified in section 5.

Section 5 would allow Ecology to impose civil penalties on solid waste handling facilities found to be in violation of the requirements of chapter 70A.205 RCW. Revenue from penalties levied by Ecology must be deposited in the model toxic control operating account (MTCA). Penalty revenue is assumed to be limited, but unknown, and therefore is not estimated in this fiscal note.

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 Years (FY) 2026 and 2027 to implement the requirements of sections 1 and 2.

Provided the review work on permit issued conducted by Environmental Specialist 5s are currently funded out of Model Toxics Control Operating Account (MTCA), Ecology assumes rulemaking work identified in this fiscal note would also be funded out of MTCA.

Section 1

Section 1 would amend RCW 70A.205.125 and 2016 c 119 s 4 to require that Ecology make an explicit approval, denial, or amendment of a proposed solid waste landfill permit prior to the local health department issuing the permit. Ecology assumes that revisions to the rules governing solid waste facility permitting, chapter 173-350 WAC and chapter 173-351 WAC, would be necessary to incorporate the new requirement for Ecology's approval of proposed permits for solid waste landfills.

The impact to Ecology regional staff workload, which includes correspondence with local health departments conveying Ecology's approval, denial, or direction to amend proposed permits for landfills, as well as the resolution with the JHD of any such amendments that Ecology deems necessary is estimated to be negligible. Ecology regional staff already perform reviews of permit applications and proposed permits, provide local health departments with Ecology's findings regarding

proposed permits, and make decisions on whether to appeal the issuance of a permit under the existing regulatory framework, using the same criteria which the bill identifies. Ecology assumes changing the nature of work from appealing and providing feedback on a permit already issued to reviewing permit applicants for approval, denial or amendment recommendations prior to their issuance would require similar resources and skillsets.

Section 2

Section 2 would amend RCW 70A.205.130 and 2020 c 20 s1173 to require Ecology to review and approve every permit issued by JHD to ensure that the proposed landfill confirms with all applicable laws, approved comprehensive solid waste management plan and minimum functional standards. The particulars of the review and approval process such as the date to review by and the criteria for the minimum functional standards are not specified. Given both WAC 173-350 and WAC 173-351 (Solid Waste Handling Standards and Criteria for Municipal Solid Waste Landfills) would need to be updated, Ecology assumes one rulemaking would be required to establish these details as well as codify penalties into both WACs. Ecology assumes the rulemaking would be moderately complex and generate public interest and input. It would require eighteen months, which includes 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. Ecology assumes we would develop an Environmental Justice Assessment in FY 2026 as required under the HEAL Act, Chapter 70A.02 RCW.

Rulemaking would begin October 1, 2025, with the filing of the CR-101, with rule adoption on March 31, 2027, and the rules taking effect 30 days after on April 30, 2027. This type of rulemaking would include two 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 (RA3) 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 0.15 FTE in FY 2026 and 0.10 FTE in FY 2027.

Rulemaking Lead: An Environmental Planner 4 (EP4) would provide policy expertise and lead the rulemaking effort, draft 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 0.50 FTE in FY 2025 and 0.50 FTE in FY 2027.

Rulemaking Technical Support: An Environmental Specialist 4 (ES4) 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. This would require 0.25 FTE in FY 2026 and 0.25 FTE in FY 2027.

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

Communications Lead: A Communications Consultant 5 (CC5) would coordinate an outreach strategy and media engagement. This would require 0.08 FTE in FY 2025 and 0.05 FTE in FY 2026.

Environmental Justice Lead: An Environmental Planner 4 (EP4) would review the impacts of rulemaking to equity and environmental justice. This would require 0.20 FTE in FY 2026 and 0.20 FTE in FY 2027.

Website Developer: A Communications Consultant 3 (CC3) would coordinate with the rulemaking lead on a public website for the rulemaking process. This would require 0.08 FTE in FY 2026 and 0.05 FTE in FY 2027.

Rulemaking Outreach Coordinator: A Community Outreach and Environmental Education Specialist 3 (COEES3) 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 0.08 FTE in FY 2026 and 0.10 FTE in FY 2027.

The following positions would complete an economic and regulatory analysis of the rule: Economic Analyst 3, 0.20 FTE in FY 2027; Regulatory Analyst 2, 0.05 FTE in FY 2027.

Ecology would hold two meetings in FY 2026, and two hearings in FY 2027. Facility rental costs are estimated at $1,000 per meeting for $2,000 each year in FY 2026 and FY 2027. Facility rental costs are included in Goods & Services – Object E.

Ecology would hire a third-party facilitator to facilitate the meetings. The rate per meeting is estimated to be $3,000 for a total cost of $6,000 each year in FY 2026 and FY 2027. Third-party facilitator costs are included in Professional Service Contracts – Object C.

Section 5

Section 5 would require Ecology regional staff to conduct enforcement activities when solid waste handling facilities are found out of compliance with chapter 70A.205 RCW. This work would depend on the degree of noncompliance by a facility and the willingness of a local health department to wield its own enforcement authorities under the bill. Punitive work is assumed to be limited, but unknown, and therefore is not estimated in this fiscal note.

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

Rulemaking to update WAC 173-350 and 173-351 is estimated to require:

FY 2026: $232,484 and 1.5 FTEs.
FY 2027: $260,933 and 1.7 FTEs.

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

FY 2026: $232,484 and 1.5 FTEs.
FY 2027: $260,933 and 1.7 FTEs.

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.
Benefits are the agency average of 33.7% of salaries.
Professional Service Contracts are estimated to be $6,000 in FY 2026 and $6,000 in FY 2027. Professional Service Contracts includes third-party meeting facilitation.
Goods and Services are estimated to be $9,439 in FY 2026 and $10,328 in FY 2027. Goods and Services costs include facility rental costs, as well as the agency average of $5,552 per direct program FTE.
Travel is the agency average of $2,398 per direct program FTE.
Equipment is the agency average of $1,074 per direct program FTE.
Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 29.9% 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 2026	FY 2027	2025-27	2027-29	2029-31
23p-1	Model Toxics Control Operating Account	State	232,484	260,933	493,417	0	0
		Total $	232,484	260,933	493,417	0	0

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	1.5	1.7	1.6		
A-Salaries and Wages	122,290	137,838	260,128		
B-Employee Benefits	41,212	46,452	87,664		
C-Professional Service Contracts	6,000	6,000	12,000		
E-Goods and Other Services	9,439	10,328	19,767		
G-Travel	3,215	3,599	6,814		
J-Capital Outlays	1,440	1,612	3,052		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Administrative Overhead	48,888	55,104	103,992		
Total $	232,484	260,933	493,417	0	0

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

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
COMM OUTRCH & ENVIRO ED SPEC 3	67,716	0.1	0.1	0.1		
COMMUNICATIONS CONSULTANT 3	71,148	0.1	0.1	0.1		
COMMUNICATIONS CONSULTANT 5	93,348	0.1	0.1	0.1		
ECONOMIC ANALYST 3	95,652		0.2	0.1		
ENVIRONMENTAL PLANNER 4	95,652	0.7	0.7	0.7		
ENVIRONMENTAL SPEC 4	86,712	0.3	0.3	0.3		
FISCAL ANALYST 2		0.1	0.2	0.1		
IT APP DEVELOPMENT-JOURNEY		0.1	0.1	0.1		
REGULATORY ANALYST 3	100,524	0.2	0.2	0.2		
Total FTEs		1.5	1.7	1.7		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.

Section 1 would amend RCW 70A.205.125 and 2016 c 119 s 4 to require that Ecology make an explicit approval, denial, or amendment of a proposed solid waste landfill permit prior to the local health department issuing the permit. Ecology assumes the rules governing solid waste facility permitting, chapter 173-350 WAC and chapter 173-351 WAC, would need to be amended to establish procedures and timelines for Ecology's action under this requirement on proposed permits for solid waste landfills in the permitting process.

Individual State Agency Fiscal Note

Bill Number: 1154 S HB	Title: Solid waste handling	Agency: 468-Environmental and Land Use Hearings Office

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.0	0.0	0.0	1.1	1.1
Account					
General Fund-State 001-1	0	0	0	340,664	334,520
Total $	0	0	0	340,664	334,520

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:	Dan Jones	Phone: 360-786-7118	Date: 01/29/2025
Agency Preparation:	Dominga Soliz	Phone: 3606649173	Date: 01/29/2025
Agency Approval:	Dominga Soliz	Phone: 3606649173	Date: 01/29/2025
OFM Review:	Lisa Borkowski	Phone: (360) 742-2239	Date: 02/05/2025

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 requires Ecology to review and approve permits for landfill disposal facilities prior to permit issuance by a jurisdictional health department (JHD). It also provides new authority for Ecology and JHDs to issue penalties and orders for violations of chapter 70A.205 RCW, which are then appealable to the Pollution Control Hearings Board (PCHB). It adds authority to PCHB's jurisdictional statute, RCW 43.21B.110(1)(a), for review of penalties issued, but does not add this authority to PCHB's jurisdictional statute, RCW 43.21B.110(b), for review of orders.

Sec. 1 and 2. This bill amends RCWs 70A.205.125 and 70A.205.130 to grant Ecology review and approval authority for a landfilling permit prior to a jurisdictional health department's (JHD) issuance. Sec. 1 and 2. The PCHB already has review authority over decisions made under the RCW section, so PCHB authority will remain largely the same. The additional layer of Ecology review might result in a negligible impact to the PCHB.

Sec. 5. This bill adds a new section to chapter 70A.205 RCW, giving new authority to Ecology and JHDs to issue orders/penalties for violations of the chapter. This includes all of the chapter and not just the new portions related to landfill disposal facilities. It then grants PCHB new authority to hear appeals of those orders/penalties.

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.

No change to impacts from earlier version.

ELUHO assumes the PCHB's work on appeals resulting from the bill begins in FY 28, following rulemaking by Ecology.

ELUHO estimates 6 average complexity appeals per year as a result of this bill.

ELUHO estimates each appeal resulting from this bill will require approximately 230 hours of AAJ work to complete (110 pre-hearing hours + 120 hearing and post-hearing hours) x 6 appeals. This estimate is based on a current analysis of AAJ work.

230 hours/appeal x 6 appeals = 1,380 AAJ hours per FY, ongoing, beginning FY 28.

The PCHB will need approximately 0.7 AAJ FTE and 0.4 Paralegal 1 FTE from FY 28. ELUHO assumes 1.0 AAJ FTEs for every 2080 hours worked and 0.5 P1 FTE for every 1.0 AAJ FTE.

AAJ FTE: The new AAJ will have knowledge of environmental law to assist with these new cases. RCW 43.21B.005(2) authorizes the ELUHO director to appoint such AAJs to assist the PCHB. The AAJ FTE will not serve as a member of the PCHB, but will conduct legal research and writing, preside over hearings, make procedural and evidentiary decisions, mediate cases, draft Board memos and materials, and perform other legal duties to assist the PCHB.

An AAJ makes $135,000 per year, plus related benefits estimated at $37,098 per year, at current benefits rates. The agency needs a 0.7 AAJ FTE, so the salary would be $94,500 per FY with related benefits totaling $25,969 for this FTE beginning

FY 28, ongoing.

Paralegal 1 (P1) FTE: Paralegals provide support for ELUHO Boards, including managing all Board cases and court filings, and providing support for Board members and AAJs.

A P1 makes $71,149 (assumed Range 51, Step L) per year, with related benefits estimated at $26,396 per year. The agency needs a 0.4 P1 FTE, so the salary would be $28,459 per FY with related benefits totaling $10,559 for this FTE beginning FY 28, ongoing.

Goods and services for the total 1.1 FTE are estimated at $6,080 in FY28, ongoing. Goods and services include communications, payroll processing, training, and other staff costs. Estimates include some travel at the low cost per diem rates. Also included is one time equipment costs for furniture and computers of $6,144 in FY 28.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	0	0	0	340,664	334,520
		Total $	0	0	0	340,664	334,520

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years				1.1	1.1
A-Salaries and Wages				245,918	245,918
B-Employee Benefits				73,054	73,054
C-Professional Service Contracts					
E-Goods and Other Services				12,160	12,160
G-Travel				3,388	3,388
J-Capital Outlays				6,144	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total $	0	0	0	340,664	334,520

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 2026	FY 2027	2025-27	2027-29	2029-31
Administrative Appeals Judge	135,000				0.7	0.7
Paralegal 1	71,148				0.4	0.4
Total FTEs					1.1	1.1

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: 1154 S HB	**Title:** Solid waste handling

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

Legislation Impacts:

- [ ] Cities:
- [X] Counties: Jurisdictional health departments
- [ ] Special Districts:
- [ ] Specific jurisdictions only:
- [ ] Variance occurs due to:

Part II: Estimates

- [ ] No fiscal impacts.
- [ ] Expenditures represent one-time costs:
- [ ] Legislation provides local option:
- [X] Key variables cannot be estimated with certainty at this time: decrease in expenditures for appeals due to the removal of JHD in the appeal process; Increase in JHD expenditures due to the legislations new permit violation reporting requirements; increase in JHD revenue because of the expanded permit violation enforcement

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: Brandon Rountree	Phone: (360) 999-7103	Date: 02/05/2025
Leg. Committee Contact: Dan Jones	Phone: 360-786-7118	Date: 01/29/2025
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/05/2025
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 02/05/2025

Part IV: Analysis

A. SUMMARY OF BILL

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

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Sec. 5 (Amends RCW 70A.205)

Adds language to subsection (1) (a) that would expand the civil penalty limit that a jurisdictional health department (JHD) or the Washington state Department of Ecology (DOE) may impose on a solid waste handling facility (SWHF). The new civil penalty limit would be determined by if the SWHF violation accrued within the first 14 days of operation. If the violation occurred during the first 14 days of operation, the civil penalty limit would be set at $5,000 per day of operating in violation. If the violation occurred after the first 14 days of operation, the civil penalty limit would be $10,000 per day of operating in violation.

Adds Language to subsection (1) (b) that would require LHDs to attempt to reach compliance with the SWHF through education and outreach before issuing a civil penalty.

Adds language to subsection (2) (a) which would allow JHDs to send written notice to DOE deferring to DOE's authority under this section to enforce the requirements of this chapter with respect to a SWHF in a jurisdiction.

Adds language to subsection (2) (b) that would allow DOE to exercise it's authority under this section to take enforcement action in the absence of a deferral by a JHD if, in DOE judgment, the JHDs enforcement response fails to adequately address violations by a SWHF operator. DOE must notify the JHD when it begins enforcement activities.

Adds language which would expand subsection (3) to include a requirement for JHDs that levied penalties to deposit the funds in the treasury and to an account from which the JHDs operating expenses are paid.

Adds language to subsection (4) that would clarify the different individual requirements if a JHD or DOE was to issue an order or penalty to a person.

Sec. 7 (Amends RCW 43.21B.110)

Adds language to subsection (1) (a) which would authorize the pollution control hearings board to impose civil penalties pursuant to section 5 of this act.

SUMMARY OF CURRENT BILL:

Overview: This legislation would require the Washington state Department of Ecology (DOE) to approve any permit that a jurisdictional health department (JHD) find should be issued for the operation of a new or modified solid waste handling facility (SWHF). Additionally, this legislation would expand the current JHD authority on enforcing SWHF permit violations.

Sec. 1 (Amends RCW 70A.205.125)

Adds language to subsection (4) which would require DOE to approve any permit that a JHD finds should be issued for the operation of a new or modified solid waste handling facility (SWHF).

Sec. 2 (Amends RCW 70A.205.130)

Adds language that would convert

Adds language to subsection (1) that would make permits issued under subsection (4) exempt from DOE review required by subsection (1).

Adds language which would add a new subsection (4) (a-d), these new subsections would outline the review and approval requirements for DOE approval of proposed landfilling permits issued by a JHD.

Sec. 3 (Amends RCW 70A.205.135)

Adds language to subsection (1) which would exempt SWHF other than landfills from DOE's review and appeal of permits.

Adds language to subsection (1) that would require DOE to review and approve or disapprove the renewal of permits for

landfill disposal facilities in accordance with RCW 70A.205.130 (4).

Sec. 4 (Amends RCW 70A.205.140)
Adds language to the section that would allow DOE or the JHD to determine if a site or the operation of a SWHF located on the site are in violation of this chapter, DOE regulations, the rules of the department of agriculture, or local laws and regulations.

Sec. 5 (Adds New Section to RCW 70A.205)
Subsection (1) would allow JHD or DOE to:
Adds language to subsection (1) (a) that would expand the civil penalty limit that a jurisdictional health department (JHD) or the Washington state Department of Ecology (DOE) may impose on a solid waste handling facility (SWHF). The new civil penalty limit would be determined by if the SWHF violation accrued within the first 14 days of operation. If the violation occurred during the first 14 days of operation, the civil penalty limit would be set at $5,000 per day of operating in violation. If the violation occurred after the first 14 days of operation, the civil penalty limit would be $10,000 per day of operating in violation.
Adds Language to subsection (1) (b) that would require LHDs to attempt to reach compliance with the SWHF through education and outreach before issuing a civil penalty.
Adds language to subsection (2) (a) which would allow JHDs to send written notice to DOE deferring to DOE's authority under this section to enforce the requirements of this chapter with respect to a SWHF in a jurisdiction.
Adds language to subsection (2) (b) that would allow DOE to exercise it's authority under this section to take enforcement action in the absence of a deferral by a JHD if, in DOE judgment, the JHDs enforcement response fails to adequately address violations by a SWHF operator. DOE must notify the JHD when it begins enforcement activities.
Subsection (2) (c) would require a SWHF owner or operator to provide the JHD or DOE with the information necessary to determine compliance with the requirements of this chapter upon receipt of an order.
Subsection 2 (d) would require an applicant or permittee must allow the jurisdictional health department and department to conduct inspections and collect samples.
Adds language which would expand subsection (3) to include a requirement for JHDs that levied penalties to deposit the funds in the treasury and to an account from which the JHDs operating expenses are paid.
Adds language to subsection (4) that would clarify the different individual requirements if a JHD or DOE was to issue an order or penalty to a person.

Sec. 6 (Adds New Section to RCW 70A.205)
This section would require JHD to transmit to DOE a list of any violations of the requirements of this chapter historically or currently identified by the JHD with respect to each solid waste facility that is currently operating in the jurisdiction.

Sec. 7 (Amends RCW 43.21B.110)
Adds language to subsection (1) (a) which would authorize the pollution control hearings board to impose civil penalties pursuant to section 5 of this act.

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:
There were no changes made between versions that would change the impact of the bill.

EXPENDITURE IMPACTS OF CURRENT BILL:
This legislation would have an indeterminate expenditure impact on jurisdictional health departments (JHD).

There would be an indeterminate increase in JHD expenditures because this legislation would implement new permit violation reporting requirements that JHD would have to train existing staff on. JHDs could expect to see an indeterminable decrease in expenditures due to the legislations removal of JHDs from the permit and permit violation appeal process.

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:
This version of the bill would have an indeterminate impact on jurisdictional health departments (JHD) due to the bills change in civil penalty amounts for solid waste handling facilities (SWHF) permit violations. This version of the bill would change the maximum civil penalty amount to be $4,000 for SWHF permit violations made within the first 14 days of operating or $10,000 for SWHF permit violations made after the first 14 days.

REVENUE IMPACTS OF CURRENT BILL:
This legislation would have an indeterminate revenue impact on JHD.

There would be an indeterminate increase in JHD revenue because this legislation would expand JHD permit violation enforcement. This expanded ability for JHDs to enforce solid waste handling facility (SWHF) permit violations would allow JHDs to impose a $4,000 or $10,000 per day civil penalty on SWHFs that violate the terms of their permit or order for required compliance.

Sources:
Washington State Association of Counties
Washington State Association of Local Public Health Officials