

**SSB 6163** - H COMM AMD

By Committee on Environment & Energy

**NOT CONSIDERED 03/07/2024**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 70A.226.005 and 1992 c 174 s 1 are each amended to  
4 read as follows:

5 (1) The legislature finds that:

6 (a) Municipal sewage sludge is an unavoidable by-product of the  
7 wastewater treatment process;

8 (b) Population (~~((increases))~~) growth and technological  
9 improvements in wastewater treatment processes will (~~((double the~~  
10 ~~amount of sludge generated within the next ten years))~~) increase the  
11 production of biosolids in the future;

12 (c) Sludge management is often a financial burden to  
13 municipalities and to ratepayers;

14 (d) Properly managed municipal sewage sludge is a valuable  
15 commodity and can be beneficially used in agriculture, silviculture,  
16 and in landscapes as a soil conditioner; and

17 (e) Municipal sewage sludge can contain metals and microorganisms  
18 that, under certain circumstances, may pose a risk to public health.

19 (2) The legislature declares that a program shall be established  
20 to manage municipal sewage sludge and that the program shall, to the  
21 maximum extent possible, ensure that municipal sewage sludge is  
22 reused as a beneficial commodity and is managed in a manner that  
23 minimizes risk to public health and the environment.

24 **Sec. 2.** RCW 70A.226.007 and 1992 c 174 s 2 are each amended to  
25 read as follows:

26 The purpose of this chapter is to provide the department (~~((of~~  
27 ~~ecology))~~) and local governments with the authority and direction to  
28 meet federal regulatory requirements for municipal sewage sludge. The  
29 department (~~((of ecology))~~) may seek delegation and administer the  
30 sludge permit program required by the federal clean water act as it  
31 existed (~~((February 4, 1987))~~) on the effective date of this section.

1       **Sec. 3.** RCW 70A.226.010 and 2020 c 20 s 1239 are each amended to  
2 read as follows:

3       (~~Unless the context clearly requires otherwise, the~~) The  
4 definitions in this section apply throughout this chapter unless the  
5 context clearly requires otherwise.

6       (1) "Biosolids" means municipal sewage sludge that is a primarily  
7 organic, semisolid product resulting from the wastewater treatment  
8 process, that can be beneficially recycled and meets all requirements  
9 under this chapter. For the purposes of this chapter, "biosolids"  
10 includes septic tank sludge, also known as septage, that can be  
11 beneficially recycled and meets all requirements under this chapter.

12       (2) "Department" means the department of ecology.

13       (3) "Local health department" has the same meaning as  
14 "jurisdictional health department" in RCW 70A.205.015.

15       (4) "Municipal sewage sludge" means a semisolid substance  
16 consisting of settled sewage solids combined with varying amounts of  
17 water and dissolved materials generated from a publicly owned  
18 wastewater treatment plant.

19       (5) "PFAS chemicals" has the same meaning as defined in RCW  
20 70A.350.010.

21       **Sec. 4.** RCW 70A.226.020 and 1992 c 174 s 4 are each amended to  
22 read as follows:

23       (1) The department shall adopt rules to implement a biosolid  
24 management program within twelve months of the adoption of federal  
25 rules, 40 C.F.R. (~~(Sec-)~~) Part 503, relating to technical standards  
26 for the use and disposal of sewage sludge. The biosolid management  
27 program shall, at a minimum, conform with all applicable federal  
28 rules adopted pursuant to the federal clean water act as it existed  
29 on (~~February 4, 1987~~) the effective date of this section.

30       (2) In addition to any federal requirements, the state biosolid  
31 management program may include, but not be limited to, an education  
32 program to provide relevant legal and scientific information to local  
33 governments and citizen groups.

34       (3) Rules adopted by the department under this section shall  
35 provide for public input and involvement for all state and local  
36 permits.

37       (4) Materials that have received a permit as a biosolid shall be  
38 regulated pursuant to this chapter.

1 (5) The transportation of biosolids and municipal sewage sludge  
2 shall be governed by Title 81 RCW. Certificates issued by the  
3 utilities and transportation commission before June 11, 1992, that  
4 include or authorize transportation of municipal sewage sludge shall  
5 continue in force and effect and be interpreted to include biosolids.

6 (6) (a) By July 1, 2027, the department must establish PFAS  
7 chemical sampling or testing requirements for biosolids regulated  
8 under this chapter.

9 (b) By July 1, 2028, the department must complete an analysis of  
10 the levels of PFAS chemicals in biosolids produced in Washington  
11 state.

12 (c) By December 1, 2028, the department must submit a report to  
13 the appropriate committees of the legislature and the public with a  
14 summary of the analysis required under (b) of this subsection and  
15 recommendations on how to proceed based on the analysis.

16 (d) In developing the sampling or testing requirements under (a)  
17 of this subsection, and the recommendations under (c) of this  
18 subsection, the department must consult with the advisory committee  
19 created in section 6 of this act.

20 (e) For the purposes of this subsection, "biosolids" do not  
21 include septic tank sludge, also known as septage.

22 **Sec. 5.** RCW 70A.226.030 and 2014 c 76 s 7 are each amended to  
23 read as follows:

24 (1) The department shall establish annual fees to collect  
25 expenses for issuing and administering biosolids permits under this  
26 chapter. An initial fee schedule shall be established by rule and  
27 shall be adjusted no more often than once every two years. This fee  
28 schedule applies to all permits, regardless of date of issuance, and  
29 fees shall be assessed prospectively. Fees shall be established in  
30 amounts to recover expenses incurred by the department in processing  
31 permit applications and modifications, reviewing related plans and  
32 documents, monitoring, evaluating, conducting inspections, overseeing  
33 performance of delegated program elements, sampling or testing, and  
34 providing technical assistance and supporting overhead expenses that  
35 are directly related to these activities.

36 (2) The annual fee paid by a permittee for any permit issued  
37 under this chapter shall be determined by the number of residences or  
38 residential equivalents contributing to the permittee's biosolids  
39 management system. If residences or residential equivalents cannot be

1 determined or reasonably estimated, fees shall be based on other  
2 appropriate criteria.

3 (3) The biosolids permit account is created in the state  
4 treasury. All receipts from fees under this section must be deposited  
5 into the account. Moneys in the account may be spent only after  
6 appropriation. Expenditures from the account may be used only for the  
7 purposes of administering permits under this chapter.

8 (4) The department shall make available on the department's  
9 website information on fees collected, actual expenses incurred, and  
10 anticipated expenses for the current and following fiscal years.

11 (5) The department shall work with the regulated community and  
12 local health departments to study the feasibility of modifying the  
13 fee schedule to support delegated local health departments and reduce  
14 local health department fees paid by biosolids permittees.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.226  
16 RCW to read as follows:

17 (1) Before adopting or amending any rules relating to sampling or  
18 testing biosolids for PFAS chemicals, the department must consult  
19 with an advisory committee of representatives from the farming  
20 community, toxicologists, utilities that produce soil amendments,  
21 experts, interested parties, and other similar stakeholders, convened  
22 by the department. The purpose of consultation required under this  
23 section is to ensure that the department is soliciting and receiving  
24 sufficient input on requirements and standards for sampling or  
25 testing biosolids for PFAS chemicals.

26 (2) For the purposes of this section, "biosolids" do not include  
27 septic tank sludge, also known as septage.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 70A.226  
29 RCW to read as follows:

30 Nothing in this act affects requirements imposed on a discharger  
31 by a national pollutant discharge elimination system permit or  
32 restricts a local government from addressing the contamination of  
33 biosolids by PFAS chemicals."

34 Correct the title.

EFFECT: (1) Directs the department of ecology (ecology) to  
establish perfluoroalkyl and polyfluoroalkyl substances (PFAS)

sampling or testing requirements for certain biosolids by July 1, 2027.

(2) Requires ecology to complete an analysis of the levels of PFAS chemicals in certain biosolids by July 1, 2028.

(3) Requires ecology to report a summary of the analysis and to make recommendations to the legislature by December 1, 2028.

(4) Establishes an advisory committee of representative stakeholders with which ecology must consult before adopting or amending rules related to sampling or testing biosolids for PFAS chemicals.

(5) Clarifies that the act does not affect national pollutant discharge elimination system permit requirements or local government efforts to address contamination of biosolids by PFAS chemicals.

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