
SENATE BILL 5245

State of Washington

68th Legislature

2023 Regular Session

By Senators J. Wilson, Holy, Muzzall, and Schoesler

Read first time 01/11/23. Referred to Committee on Environment,
Energy & Technology.

1 AN ACT Relating to biosolids; amending RCW 70A.226.005,
2 70A.226.007, 70A.226.010, 70A.226.020, and 70A.226.030; and adding
3 new sections to chapter 70A.226 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

7 (1) The legislature finds that:

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

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

14 (c) Sludge management is often a financial burden to
15 municipalities and to ratepayers;

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

19 (e) Municipal sewage sludge can contain metals and microorganisms
20 that, under certain circumstances, may pose a risk to public health;
21 and

1 (f) The United States environmental protection agency reported
2 that biosolids may contain PFAS chemicals and the agency is
3 conducting a risk assessment for some of those chemicals.

4 (2) The legislature declares that a program shall be established
5 to manage municipal sewage sludge and that the program shall, to the
6 maximum extent possible, ensure that municipal sewage sludge is
7 reused as a beneficial commodity and is managed in a manner that
8 minimizes risk to public health and the environment.

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

11 The purpose of this chapter is to provide the department (~~(of~~
12 ~~ecology)~~) and local governments with the authority and direction to
13 meet federal regulatory requirements for municipal sewage sludge. The
14 department (~~(of—ecology)~~) may seek delegation and administer the
15 sludge permit program required by the federal clean water act as it
16 existed (~~(February 4, 1987)~~) on the effective date of this section.

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

19 (~~(Unless the context clearly requires otherwise, the)~~) The
20 definitions in this section apply throughout this chapter unless the
21 context clearly requires otherwise.

22 (1) "Biosolids" means municipal sewage sludge that is a primarily
23 organic, semisolid product resulting from the wastewater treatment
24 process, that can be beneficially recycled and meets all requirements
25 under this chapter. For the purposes of this chapter, "biosolids"
26 includes septic tank sludge, also known as septage, that can be
27 beneficially recycled and meets all requirements under this chapter.

28 (2) "Bulk biosolids" means biosolids that are not sold or given
29 away in a bag or other container holding less than one metric ton for
30 application to the land.

31 (3) "Department" means the department of ecology.

32 (~~((3))~~) (4) "Local health department" has the same meaning as
33 "jurisdictional health department" in RCW 70A.205.015.

34 (~~((4))~~) (5) "Municipal sewage sludge" means a semisolid substance
35 consisting of settled sewage solids combined with varying amounts of
36 water and dissolved materials generated from a publicly owned
37 wastewater treatment plant.

1 (6) "PFAS chemicals" has the same meaning as defined in RCW
2 70A.350.010.

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

5 (1) The department shall adopt rules to implement a biosolid
6 management program within twelve months of the adoption of federal
7 rules, 40 C.F.R. (~~(See-)~~) Part 503, relating to technical standards
8 for the use and disposal of sewage sludge. The biosolid management
9 program shall, at a minimum, conform with all applicable federal
10 rules adopted pursuant to the federal clean water act as it existed
11 on (~~February 4, 1987~~) the effective date of this section.

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

16 (3) Rules adopted by the department under this section shall
17 provide for public input and involvement for all state and local
18 permits. Rules adopted under this section must require written notice
19 to be provided to the owners of properties adjacent to the land
20 application site before land application of bulk biosolids may be
21 approved.

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

24 (5) The transportation of biosolids and municipal sewage sludge
25 shall be governed by Title 81 RCW. Certificates issued by the
26 utilities and transportation commission before June 11, 1992, that
27 include or authorize transportation of municipal sewage sludge shall
28 continue in force and effect and be interpreted to include biosolids.
29 In addition to the provisions of Title 81 RCW, the biosolid
30 management program must require a transporter of bulk biosolids to
31 carry a manifest or similar document specifying that the transporter
32 is transporting biosolids regulated under this chapter.

33 (6) By July 1, 2025, the department shall establish pollutant
34 limits for PFAS chemicals in biosolids, based on the results of the
35 United States environmental protection agency's risk assessment for
36 PFAS chemicals in biosolids.

37 (7) The biosolid management program must ensure that biosolids
38 are tested for PFAS chemicals for which a pollutant limit has been

1 established by the department. The test results must be recorded and
2 made available to the public.

3 (8) Land application of biosolids that do not comply with a PFAS
4 chemical pollutant limit is prohibited.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 70A.226
6 RCW to read as follows:

7 (1) The department shall publish and maintain a publicly
8 accessible online map or list of the location of parcels where bulk
9 biosolids have been approved for land application.

10 (2) The department and a local health department may agree that
11 the local health department will maintain the map or list required
12 under this section for parcels located within the jurisdiction of the
13 local health department.

14 **Sec. 6.** RCW 70A.226.030 and 2014 c 76 s 7 are each amended to
15 read as follows:

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

28 (2) The annual fee paid by a permittee for any permit issued
29 under this chapter shall be determined by the number of residences or
30 residential equivalents contributing to the permittee's biosolids
31 management system. If residences or residential equivalents cannot be
32 determined or reasonably estimated, fees shall be based on other
33 appropriate criteria.

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

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

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

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

10 Before adopting or amending any rules relating to biosolids
11 pollutant limits for PFAS chemicals, the department shall consult
12 with an advisory committee of experts, interested parties, and other
13 similar stakeholders, convened by the department. The purpose of
14 consultation required under this section is to ensure that the
15 department is soliciting and receiving sufficient input on
16 requirements and standards for biosolids pollutant limits for PFAS
17 chemicals.

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