
SENATE BILL 5033

State of Washington

69th Legislature

2025 Regular Session

By Senators J. Wilson and Lovelett

Prefiled 12/13/24.

1 AN ACT Relating to sampling or testing of biosolids for PFAS
2 chemicals; amending RCW 70A.226.005, 70A.226.007, 70A.226.010,
3 70A.226.020, and 70A.226.030; and adding new sections to chapter
4 70A.226 RCW.

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

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

8 (1) The legislature finds that:

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

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

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

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

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

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

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

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

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

16 (~~Unless the context clearly requires otherwise, the~~) The
17 definitions in this section apply throughout this chapter unless the
18 context clearly requires otherwise.

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

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

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

28 (4) "Municipal sewage sludge" means a semisolid substance
29 consisting of settled sewage solids combined with varying amounts of
30 water and dissolved materials generated from a publicly owned
31 wastewater treatment plant.

32 (5) "PFAS chemicals" has the same meaning as defined in RCW
33 70A.350.010.

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

36 (1) The department shall adopt rules to implement a biosolid
37 management program within (~~twelve~~) 12 months of the adoption of

1 federal rules, 40 C.F.R. (~~(See-)~~) Part 503, relating to technical
2 standards for the use and disposal of sewage sludge. The biosolid
3 management program shall, at a minimum, conform with all applicable
4 federal rules adopted pursuant to the federal clean water act as it
5 existed on (~~February 4, 1987~~) the effective date of this section.

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

10 (3) Rules adopted by the department under this section shall
11 provide for public input and involvement for all state and local
12 permits.

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

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

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

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

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

30 (d) In developing the sampling or testing requirements under (a)
31 of this subsection, and the recommendations under (c) of this
32 subsection, the department must consult with the advisory committee
33 created in section 6 of this act.

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

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

38 (1) The department shall establish annual fees to collect
39 expenses for issuing and administering biosolids permits under this

1 chapter. An initial fee schedule shall be established by rule and
2 shall be adjusted no more often than once every two years. This fee
3 schedule applies to all permits, regardless of date of issuance, and
4 fees shall be assessed prospectively. Fees shall be established in
5 amounts to recover expenses incurred by the department in processing
6 permit applications and modifications, reviewing related plans and
7 documents, monitoring, evaluating, conducting inspections, overseeing
8 performance of delegated program elements, sampling or testing, and
9 providing technical assistance and supporting overhead expenses that
10 are directly related to these activities.

11 (2) The annual fee paid by a permittee for any permit issued
12 under this chapter shall be determined by the number of residences or
13 residential equivalents contributing to the permittee's biosolids
14 management system. If residences or residential equivalents cannot be
15 determined or reasonably estimated, fees shall be based on other
16 appropriate criteria.

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

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

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

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

31 (1) Before adopting or amending any rules relating to sampling or
32 testing biosolids for PFAS chemicals, the department must consult
33 with an advisory committee of representatives from the farming
34 community, toxicologists, utilities that produce soil amendments,
35 experts, interested parties, and other similar stakeholders, convened
36 by the department. The purpose of consultation required under this
37 section is to ensure that the department is soliciting and receiving
38 sufficient input on requirements and standards for sampling or
39 testing biosolids for PFAS chemicals.

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

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

5 Nothing in this act affects requirements imposed on a discharger
6 by a national pollutant discharge elimination system permit or
7 restricts a local government from addressing the contamination of
8 biosolids by PFAS chemicals.

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