

# SENATE BILL REPORT

## SB 6163

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As of January 16, 2024

**Title:** An act relating to biosolids.

**Brief Description:** Concerning biosolids.

**Sponsors:** Senators Wilson, J., Lovelett, Hasegawa, Nobles and Saldaña.

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/16/24.

### Brief Summary of Bill

- Requires the Department of Ecology (Ecology) to establish, by July 1, 2026, Perfluoroalkyl and Polyfluoroalkyl (PFAS) chemical sampling or testing requirements for certain biosolids regulated under the biosolids management program after consulting with a specified advisory committee.
- Directs Ecology to report, by July 1, 2027, on PFAS chemicals levels in certain biosolids produced in the state.
- Requires certain biosolids transporters to carry information indicating the class of biosolids being transported.

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### SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Staff:** Matt Shepard-Koningsor (786-7627)

**Background:** Biosolids. Biosolids are nutrient-rich organic materials resulting from processing domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Under federal law, there are different rules for different classes of biosolids. While both classes are treated, class A biosolids contain no detectable levels of pathogens, but class B biosolids may. When used in bulk, class A biosolids are subject to buffer requirements, but not to crop-harvesting restrictions. In general, class B biosolids are subject to buffer requirements, public access, and crop harvesting restrictions.

In Washington, the Department of Ecology (Ecology) implements a Biosolid Management Program (program). Rules for the program address how and when biosolids can be applied to land as a fertilizer. These rules also include total pollution concentration limits, pathogen reduction rates, and vector attraction reduction requirements.

Perfluoroalkyl and Polyfluoroalkyl Chemicals. Perfluoroalkyl and Polyfluoroalkyl (PFAS) chemicals are characterized by their resistance to oil, stains, grease, and water, in addition to their durability, heat resistance, and anti-corrosive properties. Ecology has identified PFAS chemicals as persistent, bioaccumulative, and toxic. They are added to carpets, cookware, food packaging, clothing, cosmetics, and other common consumer products. They have many industrial applications and are used to make certain types of firefighting foams. Washington State has enacted laws and adopted regulations relating to PFAS levels in drinking water, firefighting foam and equipment, food packaging, and many consumer products.

In 2021, the U.S. Environmental Protection Agency (EPA) announced its PFAS Strategic Roadmap, laying out the agency's approach to addressing PFAS chemicals. The roadmap sets timelines by which EPA plans to take specific actions and commits to new policies to safeguard public health, protect the environment, and hold polluters accountable. As part of the roadmap work, EPA is conducting a biosolids risk assessment for two PFAS compounds, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), in biosolids. EPA plans to complete the risk assessment for PFOA and PFOS by December 2024.

**Summary of Bill:** In addition to other transportation requirements under state law, the program must require a biosolids transporter, subject to regulation by the Utilities and Transportation Commission, transporting class B biosolids to be used for land application, as defined by Ecology rules, to carry a manifest or similar document specifying the class of biosolids being transported.

By July 1, 2026, Ecology must establish PFAS chemical sampling or testing requirements for biosolids regulated under the program. In developing the requirements Ecology must consult with a newly-established advisory committee consisting of experts, interested parties, and other similar stakeholders.

By July 1, 2027, Ecology must complete an analysis of PFAS chemicals levels in biosolids produced in Washington and report to the Legislature and the public.

For the purposes of Ecology establishing PFAS chemical sampling or testing requirements and reporting, biosolids do not include septic tank sludge, also known as septage.

Legislative intent language in the program is amended and other technical changes are made.

**Appropriation:** None.

**Fiscal Note:** Requested on January 11, 2024.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This is a reasonable first step to address PFAS chemicals both for sewage coming into wastewater treatment plants and for biosolids produced during the treatment process. We cannot address the PFAS problem until we study it, but this should be a technical memo rather than a full report, which will slow the process down. Biosolids have many beneficial uses, including as fertilizer. These forever chemicals are so persistent and detrimental to human health and the environment. We need to get a handle on these chemicals that can come back and harm us.

OTHER: Due to lab limitations, we recommend moving the report date out to July 1, 2028. Ecology rules already require a biosolids transporter to carry a manifest. Sewage sludge is not a beneficial resource. Ecology is pushing sewage sludge rather than protecting us from it.

**Persons Testifying:** PRO: Senator Jeff Wilson, Prime Sponsor; Scott Hazlegrove, WA Association of Sewer & Water Districts; Heather Trim, Zero Waste Washington; Joren Clowers, Sno-King Water District Coalition .

OTHER: Morton Alexander, Protect Mill Canyon Watershed; Peter Lyon, Washington State Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** No one.