

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5590

Chapter 398, Laws of 1997

55th Legislature
1997 Regular Session

BIOSOLIDS PERMITTING PROGRAM

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 22, 1997
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 10, 1997
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5590** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

May 16, 1997 - 3:24 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5590

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senators Newhouse, Fraser, Swecker, Morton, McAuliffe and Rasmussen

Read first time 02/03/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to funding of a state biosolids management program;
2 amending RCW 90.48.465; and adding a new section to chapter 70.95J RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.95J RCW
5 to read as follows:

6 (1) The department shall establish annual fees to collect expenses
7 for issuing and administering biosolids permits under this chapter. An
8 initial fee schedule shall be established by rule and shall be adjusted
9 no more often than once every two years. This fee schedule applies to
10 all permits, regardless of date of issuance, and fees shall be assessed
11 prospectively. Fees shall be established in amounts to recover
12 expenses incurred by the department in processing permit applications
13 and modifications, reviewing related plans and documents, monitoring,
14 evaluating, conducting inspections, overseeing performance of delegated
15 program elements, providing technical assistance and supporting
16 overhead expenses that are directly related to these activities.

17 (2) The annual fee paid by a permittee for any permit issued under
18 this chapter shall be determined by the number of residences or
19 residential equivalents contributing to the permittee's biosolids

1 management system. If residences or residential equivalents cannot be
2 determined or reasonably estimated, fees shall be based on other
3 appropriate criteria.

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

9 (4) The department shall present a biennial progress report on the
10 use of moneys from the biosolids permit account to the legislature.
11 The first report is due on or before December 31, 1998, and thereafter
12 on or before December 31st of odd-numbered years. The report shall
13 consist of information on fees collected, actual expenses incurred, and
14 anticipated expenses for the current and following fiscal years.

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

19 **Sec. 2.** RCW 90.48.465 and 1996 c 37 s 3 are each amended to read
20 as follows:

21 (1) The department shall establish annual fees to collect expenses
22 for issuing and administering each class of permits under RCW
23 90.48.160, 90.48.162, and 90.48.260(~~(, and 70.95J.020 through~~
24 ~~70.95J.090)~~). An initial fee schedule shall be established by rule
25 within one year of March 1, 1989, and thereafter the fee schedule shall
26 be adjusted no more often than once every two years. This fee schedule
27 shall apply to all permits, regardless of date of issuance, and fees
28 shall be assessed prospectively. All fees charged shall be based on
29 factors relating to the complexity of permit issuance and compliance
30 and may be based on pollutant loading and toxicity and be designed to
31 encourage recycling and the reduction of the quantity of pollutants.
32 Fees shall be established in amounts to fully recover and not to exceed
33 expenses incurred by the department in processing permit applications
34 and modifications, monitoring and evaluating compliance with permits,
35 conducting inspections, securing laboratory analysis of samples taken
36 during inspections, reviewing plans and documents directly related to
37 operations of permittees, overseeing performance of delegated

1 pretreatment programs, and supporting the overhead expenses that are
2 directly related to these activities.

3 (2) The annual fee paid by a municipality, as defined in 33 U.S.C.
4 Sec. 1362, for all domestic wastewater facility permits issued under
5 RCW 90.48.162(~~(7)~~) and 90.48.260(~~(7~~ and 70.95J.020 through 70.95J.090))
6 shall not exceed the total of a maximum of fifteen cents per month per
7 residence or residential equivalent contributing to the municipality's
8 wastewater system. The department shall adopt by rule a schedule of
9 credits for any municipality engaging in a comprehensive monitoring
10 program beyond the requirements imposed by the department, with the
11 credits available for five years from March 1, 1989, and with the total
12 amount of all credits not to exceed fifty thousand dollars in the five-
13 year period.

14 (3) The department shall ensure that indirect dischargers do not
15 pay twice for the administrative expense of a permit. Accordingly,
16 administrative expenses for permits issued by a municipality under RCW
17 90.48.165 are not recoverable by the department.

18 (4) In establishing fees, the department shall consider the
19 economic impact of fees on small dischargers and the economic impact of
20 fees on public entities required to obtain permits for storm water
21 runoff and shall provide appropriate adjustments.

22 (5) All fees collected under this section shall be deposited in the
23 water quality permit account hereby created in the state treasury.
24 Moneys in the account may be appropriated only for purposes of
25 administering permits under RCW 90.48.160, 90.48.162, and 90.48.260(~~(7~~
26 and 70.95J.020 through 70.95J.090)).

27 (6) Beginning with the biennium ending June 30, 1997, the
28 department shall present a biennial progress report on the use of
29 moneys from the account to the legislature. The report will be due
30 December 31st of (~~the~~) odd-numbered years. The report shall consist
31 of information on fees collected, actual expenses incurred, and
32 anticipated expenses for the current and following fiscal years.

Passed the Senate April 22, 1997.

Passed the House April 10, 1997.

Approved by the Governor May 16, 1997.

Filed in Office of Secretary of State May 16, 1997.