
Environment & Energy Committee

SSB 6163

Brief Description: Concerning biosolids.

Sponsors: Senate Committee on Environment, Energy & Technology (originally sponsored by Senators Wilson, J., Lovelett, Hasegawa, Nobles and Saldaña).

Brief Summary of Substitute Bill

- Requires the Department of Ecology (Ecology) to establish perfluoroalkyl and polyfluoroalkyl substances (PFAS) sampling or testing requirements for certain biosolids by July 1, 2027.
- Requires Ecology to complete an analysis of the levels of PFAS chemicals in certain biosolids by July 1, 2028.
- Requires Ecology to report a summary of the analysis and to make recommendations to the Legislature by December 1, 2028.
- 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.

Hearing Date: 2/19/24

Staff: Zachary Blinkinsop (786-7296) and Robert Hatfield (786-7117).

Background:

Biosolids.

Biosolids are nutrient-rich organic matter that are the by-product of processing domestic sewage in a treatment facility. When treated and processed, biosolids can be applied as fertilizer to

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.

improve and maintain productive soils and stimulate plant growth.

Under federal law, different rules apply to different classes of biosolids. While all biosolids are treated in treatment facilities, class A biosolids go through a more rigorous treatment process than class B biosolids do. Class A biosolids contain no detectable levels of pathogens, but class B biosolids may contain trace amounts of pathogens. Both class A and class B biosolids are subject to buffer requirements; they may not be applied within a certain distance of waters of the state, at minimum 100 feet depending on the field slope of the application site. Class A biosolids are subject to neither crop-harvesting nor public access restrictions. Class B biosolids are subject to crop-harvesting and public access restrictions.

The Department of Ecology (Ecology) administers a Solid Waste Management Program. Ecology regulates biosolids under this program, which includes issuing permits for biosolids management and setting minimum requirements for biosolids facilities.

Perfluoroalkyl and Polyfluoroalkyl Substances.

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom. Perfluoroalkyl and polyfluoroalkyl chemicals are widely used in consumer products and industrial processes because they have properties that are resistant to corrosion, heat, grease, and water. Perfluoroalkyl and polyfluoroalkyl chemicals are found in many everyday products, such as cleaning products, water-resistant fabrics, grease-resistant paper, nonstick cookware, personal care products like shampoo and eye makeup, and stain-resistant coatings used on carpets and upholstery.

Ecology has identified PFAS chemicals as persistent, bioaccumulative, and toxic. Washington 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 United States Environmental Protection Agency (EPA) announced its PFAS Strategic Roadmap, laying out the agency's approach to addressing PFAS chemicals. The roadmap sets a timeline of dates by which the EPA plans to take specific actions and to commit to new policies to safeguard public health, protect the environment, and hold polluters accountable. As part of the roadmap work, the EPA is conducting a biosolids risk assessment for two PFAS compounds: perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS). The EPA plans to complete the risk assessment for PFOA and PFOS by December 2024.

Summary of Bill:

Ecology must convene a newly established advisory committee that includes representatives from the farming community, toxicologists, utilities that produce soil amendments, experts, interested parties, and other similar stakeholders. Before Ecology adopts or amends PFAS

chemical sampling or testing and reporting requirements, it must consult with this committee.

By July 1, 2027, Ecology must establish PFAS chemical sampling or testing requirements for biosolids regulated under the Solid Waste Management Program. For the purposes of establishing these requirements, biosolids do not include septic tank sludge, also known as septage. Sampling and testing are activities for which Ecology may recover incurred costs through fees.

By July 1, 2028, Ecology must complete an analysis of the levels of PFAS chemicals in biosolids produced in the state.

By December 1, 2028, Ecology must submit to the Legislature and the public a report with a summary of its analysis and recommendations on how to proceed based on the analysis.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.