

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5033

69th Legislature
2025 Regular Session

Passed by the Senate April 17, 2025
Yeas 49 Nays 0

President of the Senate

Passed by the House April 10, 2025
Yeas 95 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5033** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5033

AS AMENDED BY THE HOUSE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators J. Wilson, Lovelett, Bateman, Chapman, Dhingra, Dozier, Krishnadasan, Nobles, Saldaña, Trudeau, and Wellman)

READ FIRST TIME 02/19/25.

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 a new section 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, 2026, the department must publish guidance to
21 clarify PFAS chemical sampling requirements, including frequency and
22 methodology, for facilities generating biosolids.

23 (b) Facilities generating biosolids regulated under this chapter
24 must sample for PFAS chemical in accordance with the department's
25 guidance and have the biosolids analyzed by an accredited laboratory
26 for PFAS chemicals using the United States environmental protection
27 agency method 1633A as it existed in December 2024, no more than
28 quarterly starting no later than January 1, 2027, and ending by June
29 30, 2028.

30 (c) Facilities that are required to sample their biosolids for
31 PFAS must provide all sampling results to the department no later
32 than September 30, 2028.

33 (d) By July 1, 2029, the department must submit a report to the
34 appropriate committees of the legislature and the public with a
35 summary of the analysis of the levels of PFAS chemicals in biosolids
36 produced in and/or land applied in Washington state and
37 recommendations on how to proceed based on the analysis.

38 (e) In developing the recommendations under (d) of this
39 subsection, the department must consult with the advisory committee
40 created in section 6 of this act.

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

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

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

17 (2) The annual fee paid by a permittee for any permit issued
18 under this chapter shall be determined by the number of residences or
19 residential equivalents contributing to the permittee's biosolids
20 management system. If residences or residential equivalents cannot be
21 determined or reasonably estimated, fees shall be based on other
22 appropriate criteria.

23 (3) The biosolids permit account is created in the state
24 treasury. All receipts from fees under this section must be deposited
25 into the account. Moneys in the account may be spent only after
26 appropriation. Expenditures from the account may be used only for the
27 purposes of administering permits under this chapter.

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

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

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

1 (1) By September 30, 2028, and before developing the report
2 required in RCW 70A.226.020(6)(d), the department must convene and
3 consult with an advisory committee of representatives from:

4 (a) The farming community;

5 (b) Toxicologists;

6 (c) Utilities that produce soil amendments, including special
7 purpose districts, municipal utility providers, and public utility
8 districts;

9 (d) Local governments;

10 (e) Experts;

11 (f) Interested parties; and

12 (g) Other similar stakeholders.

13 (2) The purpose of consultation required under this section is to
14 ensure that the department is soliciting and receiving sufficient
15 input on requirements and standards for sampling or testing biosolids
16 for PFAS chemicals.

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

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