CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5033

Chapter 317, Laws of 2025

69th Legislature
2025 Regular Session

PFAS CHEMICALS—BIOSOLID SAMPLING AND TESTING

EFFECTIVE DATE: July 27, 2025

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

JOHN LOVICK

President of the Senate

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

LAURIE JINKINS

Speaker of the House of Representatives

Approved May 17, 2025 2:00 PM

BOB FERGUSON

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.

SARAH BANNISTER

Secretary

FILED

May 19, 2025

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.

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

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

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

(1) The legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6)(a) By July 1, 2026, the department must publish guidance to clarify PFAS chemical sampling requirements, including frequency and methodology, for facilities generating biosolids.

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The farming community;

(b) Toxicologists;

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

(d) Local governments;

(e) Experts;

(f) Interested parties; and

(g) Other similar stakeholders.

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

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

Passed by the Senate April 17, 2025.
Passed by the House April 10, 2025.
Approved by the Governor May 17, 2025.
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